



Appeal Decision

Site Visit made on 7 June 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/J3720/W/21/3266545

Land off Hunscombe Lane, Wellesbourne, Warwick

- 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 Miss Victoria Warr against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/02432/FUL, dated 25 August 2020, was refused by notice dated 28 October 2020.
 - The development proposed is for the stationing of lodge for permanent occupation by campsite manager for a five-year period; stationing of four glamping pods; laying of associated hardstanding for use by proposed development and previously approved campsite (application reference 17/00972/FUL) and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the stationing of a lodge for the permanent occupation by a campsite manager for a five year period; the stationing of four glamping pods; the laying of associated hardstanding for use by proposed development and previously approved campsite (application reference 17/00972/F) at Land off Hunscombe Lane, Wellesbourne, Warwick in accordance with the terms of the application, Ref 20/02432/FUL, dated 25 August 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Background and Main Issues

2. Planning permission was granted in 2017 for the change of use of the land to a campsite and for the erection of a toilet block. During my visit I noted that there was no evidence that the campsite was actively in use and the toilet block was incomplete.
3. It is undisputed between main parties that the hardstanding and glamping pods would not harm the character and appearance of the area, subject to the imposition of suitable conditions with respect to materials and landscaping. It is also not disputed that the proposal would be outside of a settlement boundary within the open countryside.
4. Accordingly, the main issues are:
 - the effect of the proposed dwelling on the character and appearance of the area, and
 - whether there is an essential functional need for a full-time rural worker to live on the site.

Reasons

Policy background

5. The Development Plan for the area includes the Stratford-on-Avon Core Strategy 2011-2031 (2016) (CS). Policy CS.15 of the CS describes the Council's strategic approach to the distribution of development within the district. This policy seeks to focus development within the town of Stratford-upon-Avon and towards main rural centres. Small scale schemes within the built-up boundaries of local service villages would also be supported. Development is limited to small-scale community-led schemes in all other settlements. Proposals for development within the open countryside would be subject to policy AS.10 of the CS.
6. Policy AS.10 seeks to restrict housing in the countryside. Criterium (b) to (j) lists exceptions for acceptable residential development. Criteria (i) relates to the provision of a permanent dwelling for occupation by a person "engaged in an agricultural operation or other form of use that can only reasonably be carried out in the countryside subject to a functional need being established". The supporting commentary, under 'Development Management Considerations', explains that an essential need must illustrate the requirement for a person or persons to be present on site at all times, with security issues not necessarily being sufficient justification. Such assessment would also take into account the future sustainability of the enterprise and a functional and financial test.
7. It is disputed whether the proposal would be for the erection of a permanent dwelling or for a material change of use of land to site a caravan. A caravan is defined in s29(1) of the Caravan Sites and Control of Development Act (1960) and by the size limitations of the Caravan Sites Act 1968. The proposed structure would be within these size requirements and would more than likely be transported to site in no more than two sections. It would therefore be readily demountable and removed from the site if not proven to be permanently required, thus would fall within the definition of a caravan. Nevertheless, the proposal is presented as a robust and sizeable dwelling that could become permanent even though it is proposed to be initially sited for a period of five years. It would therefore qualify as being subject to policy AS.10(i) as a permanent new dwelling. Furthermore, even if the first paragraph after policy AS.10(v) were to apply instead, this requires any other development or activity in the countryside to be fully justified. Therefore, the consideration of functional need is appropriate to be assessed in either event.
8. Policy CS.24 supports the growth and improvement of existing tourism and leisure development. This also requires all forms of tourism and leisure development to be sensitive to the character of an area and maximise the benefits in terms of job creation and to support local services.

Character and appearance

9. Hunscombe Lane is a narrow country lane that is largely bound by tall trees and hedging. The site is accessed from a gated unmetalled track that affords access into the field by a secondary gateway. The field is flat and open. A steel framed open sided structure stands in the northwest corner of the site. Also, a paddock area encloses the centre of the site by a post and rail fence. Trees and hedging mark the eastern and western field boundaries, with the southern boundary

providing distant views of the open countryside. Pit Farm and other agricultural buildings are to the east of the site. A caravan park is a short distance to the southeast of the site. Although, there is some evidence of development within the local area it retains a clear rural character. Being open and largely undeveloped, the appeal site makes a positive contribution to the rural character of the surrounding area.

10. The proposed dwelling would be covered in timber cladding and have a pitched roof. It would include three bedrooms and have separate kitchen and living rooms. As a result, although single-storey the dwelling would be relatively sizeable. The building would be located close to Hunscombe Lane and would be partially visible through glimpses in the adjacent hedgerow. Due to its scale, it would also be evident from wider views within the countryside.
11. A dwelling within this context would introduce built form into the currently open rural site, tending to consolidate the existing sporadic development along the lane and combining with Pit Farm to introduce the appearance of a more built-up frontage. The proposal would be a further intrusion to the largely rural appearance of the land, with the risk of domestic activity, lighting and other associated paraphernalia eroding the character of this part of Hunscombe Lane. It is recognised that the approved campsite and its associated activity would alter the appearance of the site. Nevertheless, due to its siting and scale, the proposed dwelling would moderately harm the open character of the appeal site.
12. Consequently, although having found only moderate harm to the character and appearance of the area the proposal would be contrary to policies CS.5, CS.9 and AS.10 (with respect to character issues) of the CS. These policies seek, among other matters, for development to minimise its impact on the local landscape and to reflect the character of the locality.

Functional need

13. Paragraph 79 of the National Planning Policy Framework (The Framework) states that isolated homes in the countryside should be avoided unless, inter alia, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Planning Practice Guidance (PPG) explains that evidence of 'essential need' could include that it is required to provide the effective operation of a land based rural enterprise. It could also include cases where there would be a risk from crime or to enable an operator to deal quickly with emergencies that could cause a serious loss of crops or products. It states that assessment could include whether the enterprise would remain viable for the foreseeable future. For a new enterprise it indicates that it may be appropriate to grant permission for a temporary trial period.
14. The appellant identifies a range of reasons as to why an on-site presence is essential. This includes for security, management of the site, good customer relations, to suppress anti-social behaviour and provide animal welfare. A daytime presence, in isolation, would address some of management issues identified. However, it is likely that some issues would occur during out of hours in mind of the possibility of anti-social activity during the night and an on-site presence would mitigate this and act as a deterrent. Moreover, the presence of animals would convey a duty of care to the owners that cannot be easily discharged remotely. Therefore, a remote form of management and the likely need for night-time security and management would place a substantial

- burden on the success of the business. It is therefore recognised that a constant on-site presence would be of benefit to users of the campsite, both in terms of day-to-day management, and for night-time security and emergencies.
15. The cost of night-time security would create a significant ongoing expenditure. An on-site presence during the night would negate the need for this and consequently reduce overall costs. Whether security is required at all is principally a matter for the appellant dependant on a range of factors including an appreciation of local crime figures and the level of investment injected into the business. Nevertheless, it is clear to me that without a permanent on-site presence, ongoing security and management for both the infrastructure and the care of customers, would be underprovided. This consideration is particularly important in mind of the close proximity of campers to animals and the adjacent residential property.
 16. Moreover the 'management plan', in regard to the behaviour of campers, would be less likely to be complied with in the night without a permanent on-site presence. Anti-social activity would also be unlikely to be regulated by other campers. Furthermore, the appellant's reluctance to commence the use without an on-site dwelling adds further credence to her assertion that operational concerns have a substantial bearing on the viability and success of the business.
 17. The financial assessment considers the viability of the business in scenarios with and without on-site manager's accommodation. The assessment shows that the campsite would have a main season that would operate between April and October with a reduced off-season. The assessment includes a five-year plan, showing steady returns with year-on increasing occupancy, resulting in steady increases in revenue. It also illustrates that the business would not be in profit without an on-site manager's accommodation. This seems to be principally due to the cost of a night-watchman and the relatively substantive costs associated with the required highway works. It shows that the inclusion of on-site accommodation would provide a profitable return after 5 years. The assessment also illustrates that the business would generate a profit of sufficient size to provide employment for a rural worker.
 18. Taking the above points together, there seems to be a relatively clear functional need for an on-site presence throughout the night. It also seems clear that the employment of a night-watchman could not be funded from this relatively small enterprise. Also, a night-watchman would only provide security rather than the broader range of services described by the appellant. Accordingly, I find that a functional need for a dwelling for a temporary period, exists to support the business. However, as the business would be a new enterprise, a temporary approval would allow it to commence and to later show whether a functional need exists for a permanent dwelling.
 19. Therefore, on the evidence available, the case for a full-time worker to live on the site has been adequately made to enable a temporary approval to be issued. The proposal would therefore satisfy policies CS.1 and AS.10 of the CS. These seek, among other matters, for development to contribute towards the maintenance of sustainable communities. These policies are also generally consistent with the Framework.

Other Matters

20. The proposed dwelling, glamping pods and associated hardstanding would result in a limited increase in traffic in comparison to the approved use of the site. Furthermore, the approved facility includes highway improvements that have been determined by the Council to be sufficient to mitigate the anticipated increase in traffic. As such, the traffic impact associated with the proposal would be negligible.
21. The light pollution and noise associated with the proposal would be limited to the addition of the dwelling and four glamping pods. These would represent a proportionally minor increase in activity, in comparison to the approved campsite use. I also recognise that the Council's Environmental Health Officer raised no objection to the proposal.
22. The proposal would result in some, albeit limited, development within the existing field and therefore having a limited impact on local wildlife. Furthermore, the scheme would include new landscaping that would enhance the biodiversity benefits of the site. This could be secured by the imposition of a relevant planning condition.
23. The appeal decisions in evidence relate to rural worker's dwellings including in connection with equestrian facilities and for agricultural workers. However, these cases describe situations which are unique to their circumstances and do not therefore allow me to draw any common themes that might be applied to this proposal. As a result, these decisions have had a limited bearing on my consideration of the appeal case. Furthermore, the Council has raised a concern that the appellant's grounds could be repeated on many rural sites and thus set a poor precedent. However, I am satisfied that the site, its context, planning history and the nature of the proposal results in a specific set of circumstances that would not readily be repeated elsewhere. In any event, each case must be considered on its own merits as I have done in this case.

Conditions

24. I have considered the use of conditions in line with guidance set out in the Government's Planning Practice Guidance (PPG). I have removed the tailpiece phrases from two conditions for clarity. I have also conjoined the access related conditions for simplicity. I have removed the Council's suggested requirement for bin provision as this is not necessary for the proposal to be acceptable in planning terms.
25. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions are necessary with respect to the provision of planting and materials in the interests of the character and appearance of the area [3 and 4]. A condition is also necessary to provide and maintain a suitable access and the provision of the passing bays on Huncote Lane in the interests of highway safety [5 and 6]. Furthermore, it is also necessary to ensure that the proposal includes provision for a water butt and electric car charging points to satisfy the requirements of policies CS.4 and CS.26 of the CS [8 and 9].
26. A condition is also necessary for the approved dwelling to be subject to a time limited condition for a period of five years. The site is not an appropriate location for a permanent dwelling unless an essential functional need can be

established for its permanent retention. Consequently, a condition is necessary to limit the duration of the retention of the dwelling to 5 years [7].

Planning balance and conclusion

27. The proposal would moderately harm the character and appearance of the surrounding countryside.
28. On the other hand, the need for the dwelling, to enable the business to be commenced has been established. This is necessary to support the economic benefits of the approved campsite use. This tourism activity therefore gains support from policy CS.24 of the CS and the Framework which seeks to support rural tourism. It has been shown to my satisfaction that the proposed dwelling would be necessary to enable the economic benefits of the enterprise as a whole to manifest. Additionally, the proposed glamping pods would contribute a further addition to the economic benefits of the business to the local rural community.
29. As such, the modest harm found to the character and appearance of the area, and the minor conflict with the associated policies, would be outweighed by the economic and tourism benefits of the proposal.
30. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed and planning permission granted subject to the attached conditions.

Mr Ben Plenty

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: Location Plan Drawing No: 8135-A-100, Proposed Site Plan Drawing No: 8135-A-201, Proposed Lodge Drawing No: 8135-A-300, Proposed Pods Drawing No: 8135-A-301, Masterplan Version 1.1 (June 2020), and Extent of current application and planting plan Version 1.2 (June 2020)
- 3) Notwithstanding the details indicated on the submitted drawings, prior to the use of the dwelling, or any glamping pods which forms part of the development hereby permitted, a schedule of materials and finishes to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and completed before the development is first occupied or used and thereafter shall be retained and maintained in that form.

- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres for a distance of at least 7.5 metres and surfaced with a bound material, as measured from the near edge of the public highway carriageway.
- 6) The development shall not be occupied until the public highway D6329 Hunscombe Lane has been improved so as to provide for two inter-visible passing bays between the vehicular access to the site and the junction of Hunscombe Lane with the public highway D6328, in accordance with a scheme approved in writing by the Local Planning Authority.
- 7) The dwelling hereby permitted shall be sited on the land for a limited period expiring 5 years from the date of this permission, at the end of which period the use of the site for the provision of a dwelling shall be discontinued, the dwelling shall be removed from the site and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
- 8) The dwelling shall not be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 9) The glamping pods and dwelling hereby permitted shall not be used for the purposes approved until at least 10% of the visitor parking spaces on the site have been provided with an electric vehicle charging point (EVCP) rated at a minimum of 16 amps and at least 10% of staff parking spaces on the site have been provided with an electric vehicle charging point (EVCP) rated at a minimum of 32 amps in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, numbers, design, rating and appearance of the EVCPs. Thereafter, the approved charging points shall be retained and maintained in perpetuity.

End of conditions