



Appeal Decision

Site Visit made on 22 June 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02/08/2021

Appeal Ref: APP/A2470/W/21/3271009

The Paddocks, Lyndon Road, Manton, Rutland

- 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 J Allen against the decision of Rutland County Council.
 - The application Ref 2020/1357/MAF, dated 20 November 2020, was refused by notice dated 3 February 2021.
 - The development proposed is Change of use from Camping and Caravan Club licenced campsite for 15 pitches (10 tent and 5 caravan or motorhome) to campsite site with 15 pitches for caravans or motor homes.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from Camping and Caravan Club licenced campsite for 15 pitches (10 tent and 5 caravan or motorhome) to campsite site with 15 pitches for caravans or motor homes, at The Paddocks, Lyndon Road, Manton, Rutland in accordance with the terms of the application, Ref 2020/1357/MAF, dated 20 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, labelled: 874/20/s1, 874/20/2A.
 - 3) The development hereby permitted shall not be used other than for the provision of holiday accommodation. No caravans or motorhomes shall be occupied as a person's sole or main place of residence. The owner of the site shall maintain an up-to-date register of occupants for each calendar year, which shall be made available for inspection by the local planning authority upon request.
 - 4) The total number of caravans or motor homes permitted on site at any one time shall not exceed 15. No static caravans shall be brought onto the site at any time.
 - 5) No music, or other amplified sound, audible beyond the application site boundary shall be played on the site at any time.
 - 6) No external lighting shall be installed on the site before details have first been submitted to and approved in writing by the local planning authority. External lighting shall be installed in accordance with the approved details and thereafter so maintained.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance of this revision to the Framework to their respective cases, and I have had regard to the comments received.
3. The appellant advised in his Statement of Case that a lawful development certificate (LDC) was under consideration by the Council and would be forwarded once determined. I subsequently received a copy of the LDC and have had regard to it in reaching my decision. The Council has been afforded the opportunity to comment on the relevance of the LDC to the present appeal.

Main Issue

4. The main issue is whether the proposal represents a suitable location for a campsite, having regard to relevant development plan policy and, if not, whether there are other material considerations which outweigh any policy conflict so as to justify the proposal.

Reasons

5. The appeal relates to an L-shaped field located a short distance from the southern side of Rutland Water. The site is in use as a campsite with 15 pitches marked out, each with an electricity hook-up, and a communal bin area to the centre. The site is laid to grass with tall hedges to the eastern and western boundaries, and a lower hedge and trees to the northern boundary. To the southern side, the site is bounded by a post and rail fence with views across the adjacent field to traffic on the main road beyond. Overall, the site appeared well-established, with signage to the front and manicured grounds.
6. I understand the site has operated under a Camping or Touring Caravan Exemption Certificate. Class A of Part 5, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the use of land as a touring caravan site, where such a Certificate has been issued, without the need for planning permission. The Certificate in this case is indicated to permit 15 total pitches, comprised of up to 5 caravans and 10 tents. The application sought permission for change of use to a campsite to 15 pitches for caravans or motorhomes. In essence, therefore, permission is sought to allow all of the existing pitches to be used by caravans or motorhomes.
7. The Council's reason for refusal cites conflict with Policy CS24 of the Rutland Core Strategy 2011. This policy seeks to control development in the area of Rutland Water in the interests of nature conservation of this internationally important site, and to prevent adverse impact on the landscape, wildlife interests and the general tranquil and undisturbed environment of Rutland Water. The policy states that caravan and camping sites will not be acceptable outside of the five defined Recreation Areas surrounding Rutland Water. The site is not located within a defined Recreation Area, and the proposal would conflict with the policy in this respect.
8. The appellant indicates that the site has been used as a seasonal campsite since 2010. Indeed, the Council issued the aforementioned LDC on 22 June 2021 which confirmed that the use of the land as a camping and caravanning site (excluding static caravans) for the stationing of up to 15 Pitches (10 tent

and 5 caravan or motorhome) for holiday purposes only was in existence for a continuous period of 10 years prior to the application date (23 March 2021) and is lawful in planning terms. This is a significant material consideration.

9. The proposal would not result in any additional operational development over and above that which exists. The site is largely concealed within the landscape by existing trees and hedgerows, except for the southern side. Whilst I saw that the site was visible from the main road, it is set back a considerable distance and anyone travelling along the road by car would only have a fleeting glimpse of the site. Moreover, the small number of pitches sought means that the overall visual impact of caravans or motorhomes on the site would be limited. Notably, there would be no visibility of the site from Rutland Water itself, nor would it intrude upon any notable views of the water from any surrounding land.
10. The use of the site for recreational purposes for more than 10 years has been established. Whilst there would be a change to the existing mix of caravans and tents permitted on the site, the use would not intensify to any significant degree. There would be a similar number of visitors and traffic movements to and from the site, both of which would be modest in absolute terms given the size of the site, and would be much less intensive than at the Lyndon Top campsite, located across the road from the appeal site, which I understand has capacity for 634 pitches. I am satisfied, therefore, that the proposal would not lead to disruption or harm to living conditions of nearby residents.
11. I note the comments of the Local Highway Authority that a passing place would be required on the access road from Lyndon Road due to the change in the type of vehicle that may be using the site. However, I saw the access road to be wide enough at the junction with Lyndon Road for two vehicles to pass. Also, the distance from the junction to the site is around 200 metres along a straight route with flat verges to either side. Based on the size of the site, the number of vehicles coming and going would be low, and very sporadic. Consequently, there would be very limited risk of vehicles using the campsite meeting on the short stretch between the site entrance and the main road.
12. Moreover, the road is already used by other, larger facilities including the large campsite at Lyndon Top and the Lyndon Visitor Centre, without passing places being put in place. It may be that the cumulative volume of traffic from these facilities warrants passing places along the lane, but the proposal before me would generate a small fraction of this traffic, and I find no justification for the proposal being required to address a pre-existing issue upon which it would have very limited direct effect. Given the small scale of the proposal, and limited change from the existing situation, I also find it unnecessary for a traffic assessment to be undertaken as sought by the Parish Council.
13. I also saw the site to be well maintained and to retain a natural character, with limited man-made interventions. There is no evidence before me that the use that has existed on site since 2010 has had any detrimental effects on nature conservation, wildlife or pollution, nor that the proposal would have a demonstrably greater impact in these respects.
14. The site is located in the countryside, but this is commonly the case for campsites, given their inherent attraction lies in factors such as a quiet environment, proximity to nature and countryside views. There are many amenities surrounding Rutland Water, including in the villages of Manton and

Edith Weston. Given the holiday nature of the use, visitors would be expected to undertake many journeys by walking and cycling, and other journeys are likely to be short in duration to amenities in Oakham or other parts of Rutland Water. In any case, the proposal is unlikely to lead to a significant increase in use of the private car compared to that which occurs at present.

15. In summary, the proposal would be located outside of the defined Recreation Areas surrounding Rutland Water, in conflict with Policy CS24. However, it is a significant material consideration that a campsite has operated in much the same guise on the site for over ten years, a use that may lawfully continue. Moreover, the proposal would not result in material harm in respect of the landscape, pollution, biodiversity, neighbours' living conditions, traffic, access to local facilities or use of private modes of transport. The provision of holiday accommodation would also accord with the aims of the Framework by making limited but positive social and economic contributions that would help support the rural economy and maintain the vitality of rural communities.
16. Therefore, notwithstanding the minor locational conflict with Policy CS24, I conclude that the material considerations in this case weigh significantly in favour of the proposal and justify a decision other than in accordance with the development plan.

Conditions

17. I have had regard to the list of suggested conditions provided by the Council, and suggested conditions from the Parish Council. Where necessary, I have amended their wording to ensure they meet the relevant tests for conditions set out in the Framework.
18. A condition specifying the approved plans is necessary, to provide certainty. A condition limiting the type and maximum number of caravans or motorhomes on site is also necessary to define the permission.
19. It is necessary to restrict use of the land to holiday accommodation only, in order to prevent use of the site as permanent residential accommodation which would not be supported in the countryside under the development plan. To ensure that this restriction can be monitored and enforced it is necessary for a register to be kept and available for inspection.
20. I shall also impose conditions relating to the provision of details of external lighting, and restricting the playing of audible music or sound, in the interests of preventing light and noise pollution so as to safeguard neighbours' living conditions and the tranquillity of the Rutland Water SSSI.
21. As explained above, I do not consider it necessary to impose the requested condition requiring provision of a scheme to widen or construct passing places on the access road from Lyndon Road.

Conclusion

22. For the reasons set out, and having regard to all matters raised, I conclude that the appeal should be allowed.

K Savage

INSPECTOR