



Appeal Decision

Hearing (Virtual) Held on 14 July 2021

Site Visit made on 15 July 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/H1840/W/20/3259365

Fairview Park, Offenham Road, Aldington, Evesham WR11 8DX

- 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 George Broadway against the decision of Wychavon District Council.
 - The application Ref 20/00667/CU, dated 31 March 2020, was refused by notice dated 18 June 2020.
 - The development proposed is amendment to permission Ref. 18/00548/CU to increase the number of holiday caravans to 40 units.
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Decision

1. The appeal is allowed and planning permission is granted for amendment to permission Ref 18/00548/CU to increase the number of holiday caravans to 40 units at Fairview Park, Offenham Road, Aldington, Evesham, WR11 8DX in accordance with the terms of the application, Ref 20/00667/CU, dated 31 March 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Following the submission of the application, it was proposed to reduce the total number of caravans at the site from 41 to 40. Accordingly, the Council and the applicant agreed an amended description of development. I have referred to this above and determined the appeal on this basis.
3. The appellant has submitted revised drawings marginally increasing the extent of the visibility splays either side of the site access. The drawings have also been altered in scale and annotated with more detail to show the extent of land maintained by the County highway authority. It was considered prudent to carry out further consultations on these drawings, giving interested parties and consultees an opportunity to comment.
4. A signed and dated Statement of Common Ground between the Appellant and the Council was submitted prior to the Hearing. The main parties no longer dispute the matter of highway safety and now agree that the site access is acceptable. However, issues relating to vehicular safety are raised in several other parties' submissions and it was necessary to assess those further at the Hearing.

Main Issue

5. The effect of the proposed access on highway safety, with particular reference to visibility at the junction with the public highway.

Reasons

6. The proposed site access is already in use by vehicles relating to the existing caravan park and connects onto the B4510, a busy road that has a 40mph speed limit. There are long straight sections of road either side of the site access, while the road has a slight incline from the north that rises gradually south past the appeal site. The land either side of the site access includes shallow sections of grass verge which are abutted by established trees and hedgerow.
7. Policies 21 (ix) and 36 (v) of the South Worcestershire Development Plan (Local Plan) require that vehicular traffic generated by proposals should be able to access the highway safely. These policies are consistent with the National Planning Policy Framework (2021 revision) (Framework), where paragraph 110 requires that safe and suitable access is available for all users, and paragraph 111 makes it clear that an unacceptable impact on highway safety may be a sufficient ground for refusal of planning permission.
8. The main parties agree that the required visibility splay at the site access, of 2.4m x 104m in each direction with an offset of 0.6m from the edge of the carriageway, can be achieved. Given that this would now meet the Council's standards, it was agreed at the Hearing that there is no requirement for the speed readings referred to in the Council's refusal notice.
9. It was apparent from my site visit and the information submitted that there is currently unobstructed visibility at the site access in a south-westerly direction, that would allow for the requisite splay dimensions to be achieved. By contrast, to the north-east, it is likely that the visibility standard would be obscured to a degree by overhanging vegetation. However, it seems to me that visibility in this direction would not be significantly obstructed, and the removal of that vegetation and any other obstructions could be secured through a condition prior to the development commencing.
10. At the Hearing the adjoining landowner indicated that a recently constructed boundary fence on his property did not obstruct the visibility splay to the north-east of the site access. He has also received confirmation of this from the County Highway Officer. No written confirmation of this exchange has been submitted to me, however, from the revised drawings and what I observed on site, I have no reason to disagree.
11. On this basis, vehicles emerging from the site access onto the B road would have clear visibility in either direction. Moreover, given the straight alignment of the carriageway at this location, vehicles travelling along that highway would be able to observe those waiting and/or emerging from the site access thereby allowing them sufficient time to react or slow down for manoeuvring vehicles. Consequently, I consider the proposed site access to be acceptable in highway safety terms.
12. Objections have been received regarding the likely increase in the volume of traffic and vehicular movements on the B4510 as a result of the proposal. I observed during my midday site visit, albeit only a snapshot in time, a high

volume of traffic using this B road particularly HGVs travelling to and from the many market garden businesses in the locality, as well as other vehicles making journeys to and from the direction of Evesham. The appellant's transport assessment estimates that the additional caravans at the site would generate a maximum of 5 additional vehicular movements per hour. Based on my observations, this would be a modest increase to the existing volume of traffic using the highway. Therefore, in the absence of any compelling evidence to the contrary, I do not envisage that the proposal would result in any severe residual cumulative impacts on the road network.

13. Taking into account the aforementioned reasons, and subject to the imposition of conditions, the proposed access would not result in harm to highway safety with particular reference to visibility at the junction with the public highway. Accordingly, the proposal would accord with the provisions of Policies 21 (ix) and 36 (v) of the Local Plan and the guidance in the Framework that I referred to earlier.

Other Matters

14. The appellant acknowledges that the existing foul water treatment system would be inadequate to deal with the additional discharges from the proposed caravans. It is therefore proposed to provide an additional treatment system at the site. Further details of its capacity and location can be agreed through a planning condition.
15. In terms of concerns regarding the existing caravans at the site not being sited in accordance with the approved layout¹ and being used as permanent residential accommodation, that would be a separate matter for interested parties to pursue with the Council's Enforcement Division. Similarly, it would be for the Council to investigate whether landscaping required under that consent has been implemented.
16. Further objections have been raised regarding the effect of the proposal on the character and appearance of the area, the effect on natural light and noise generated by proposed occupiers of the caravans. However, I note that the Council had not objected to the scheme on those grounds, and there is little basis for me to take a different view.
17. The adjoining landowner has raised concerns regarding the filling of an existing drainage ditch running along the appeal site's northern boundary. This was not obvious during my site visit, whilst recent photographs taken and submitted by the appellant show that the ditch is primarily in-tact. Nonetheless any surface water flooding issues that may have occurred would be a separate matter outside of this appeal.

Conditions

18. The Council's suggested conditions were discussed at the hearing and various consequential amendments and additions have since been agreed between the parties. I have considered each of the conditions against the tests set out in paragraph 55 of the Framework and within the Planning Practice Guidance (PPG).

¹ Local Planning Authority Approval Ref 18/00548/CU

19. In addition to the standard time limit for commencement, I have attached a condition specifying the approved plans, in the interests of certainty. Likewise, a condition restricting the number of caravans to 40 units is necessary to ensure certainty as to the extent of the development.
20. To ensure that the development does not have an adverse impact on the character and appearance of the area, conditions are necessary in relation to the colour of the caravans and a restriction placed on external lighting.
21. Conditions relating to the implementation of foul and surface water management at the site are necessary in the interests of public health and the avoidance of surface water flooding.
22. A condition requiring details of the management of construction traffic is required in the interests of highway safety and the amenity of nearby occupiers. Conditions relating to the requirement for parking and visibility splays are also necessary in the interests of highway safety.
23. The condition relating to visibility splays would need to be delivered through a "Grampian" style condition, as existing overhanging vegetation on land outside of the appellant's control (i.e. on County highway authority land) would need to be removed within the visibility splay to the north-east. The effects of the condition would also preclude the development from commencing until the pruning works are carried out. Given that the Council supports the provision of the requisite visibility splays it would be unlikely that permission for the works would be denied or delayed prior to the commencement of the development.
24. The recommended condition for electric vehicle charging points for all caravans would in my view be excessive as not all vehicles at the site would require this facility. I consider an alternative communal area with 6 charging points would be acceptable and necessary in the interests of promoting sustainable transport options.
25. In order to prevent the caravans being used as full-time residential units at this countryside location, it is necessary to restrict the occupancy of the caravans to short-term holiday accommodation. Similarly, it is also necessary to include a condition that distinguishes the units as caravans under the relevant legislation relating to that form of accommodation.
26. It was agreed at the Hearing to include an additional condition requiring further details of the landscaping of the site. This was necessary in the interests of the area's character and appearance. The requirement for these details before development commences would allow agreement on the planting location before the placement of the caravans and necessary infrastructure.
27. I have not included the Council's suggested condition on replacement of landscape planting relating to the existing caravan scheme at the site. This would not be necessary as there is already a planning condition in place for that scheme that addresses replacement planting.
28. A condition requiring details of engineering works supporting or abutting the highway was suggested by the Council in their appeal statement. Yet it was confirmed by both main parties at the Hearing that this was not necessary as no works of this nature are proposed.

29. The Council's requirement for a 'welcome pack' promoting sustainable forms of transport to and from the site, has not been included as a condition. There is no requirement in the development plan for this and it would not be necessary to make the development acceptable in this instance.
30. There was discussion at the Hearing regarding the inclusion of an additional condition requiring the removal of, in the Council's view, an unsightly building located close to the appeal site's northern boundary. This building was observed during my site visit, and although utilitarian in nature, it has a modest height while being largely screened from within the appeal site and adjacent highway, by existing close boarded fencing. Therefore, I do not consider that its removal would be necessary in the interests of the area's character and appearance, nor would it be required to make the proposed development acceptable in planning terms.

Conclusion

31. For the reasons given above I conclude that the appeal should be allowed.

RE Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the following drawing numbers: 500 Revision B; 501 Revision C; 28888/100 Rev A and 28888/200 Rev A.
3. No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of both hard and soft landscape works. These details shall include a statement setting out the design objectives and how they would be delivered; details of tree size, location and species; hard surfacing materials; and an implementation programme.

All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from 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.

4. No development shall commence until visibility splays of 2.4m x 104m measured either side of the site access and offset 0.6m from the edge of the B4510 carriageway have been provided to the satisfaction of the local planning authority. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
5. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the delivery and timings of construction materials and caravans to the site. The measures set out in the approved CTMP shall be carried out and complied with in full during the construction and delivery phases of the development.
6. Prior to the stationing of any caravans on the site, details of the colour of the caravans shall be submitted to and approved in writing by the local planning authority. The caravans shall be retained in accordance with the approved colour(s) thereafter.
7. Before the development hereby permitted is first occupied, a communal area to include the provision of six electric vehicle charging points and associated cabling shall be provided at the site in accordance with details to be submitted to and approved in writing by the local planning authority. The communal electric vehicle charging facilities shall be permanently retained thereafter in accordance with the approved scheme.
8. Before the development hereby permitted is first occupied, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.

9. Before the development hereby permitted is first occupied, details of the design, implementation, maintenance and management of further foul water drainage works, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.
10. The development hereby permitted shall not be brought into use or occupied until the parking facilities shown on the approved drawing have been provided. These areas shall thereafter be retained and kept available for parking purposes at all times.
11. Any caravan unit positioned on the site shall meet the definition of a caravan as set out in section 29 of the Caravan Sites and Control of Development Act 1960 and section 13 of the Caravan Sites Act 1968.
12. The caravans hereby approved shall be occupied for short term holiday purposes only and shall not be occupied as a person's sole or main place of residence. The applicant or any future owner of the site shall keep details of the occupiers of the caravans and their length of occupation at any one time. These details shall be made available to the Local Planning Authority upon request at any time in the future.
13. There shall be no more than 40 caravans on the site at any one time.
14. There shall be no external free standing lighting poles within the application site other than those shown on the plans hereby approved.

*****End of Schedule*****

APPERANCES

FOR THE APPELLANT:

Simon Rees BSc MA MRTPI	Director, Addison Rees Planning Consultancy Ltd
Mark Baker	Director, Mark Baker Consulting Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Emma Ridley	Planning Officer, Wychavon and Malvern Hills District Councils
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INTERESTED PERSONS:

Mark Blundell	Neighbour
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