



Appeal Decision

Site Visit made on 3 August 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/A0665/W/21/3273389

Kinderton Park, Cledford Lane, Middlewich CW10 0JS

- 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 T Herring against the decision of Cheshire West and Chester Council.
 - The application Ref 20/03128/FUL, dated 27 August 2020, was refused by notice dated 3 December 2020.
 - The development proposed is the siting of 4 holiday lodges on the eastern element of Kinderton Park together with environmental improvements.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties were given the opportunity to comment on any relevant implications for the appeal and have not therefore been prejudiced. The main parties did not have any comments on this matter.

Main Issue

3. The main issue is whether the location of the site would be acceptable for visitor accommodation, having particular regard to the provisions of the development plan and the accessibility to local services and facilities.

Reasons

4. The appeal relates to an area of overgrown undeveloped land within the confines of Kinderton Park (KP), a mobile caravan park that provides permanent residence for its occupiers, who are typically retired couples. It is not disputed that the appeal site is situated outside of any identified settlement, and it is therefore located within the countryside for planning purposes.
5. It is uncontested by the main parties that the proposed lodges meet the statutory definition of a caravan and I have no substantive reason to disagree. I am also satisfied that the appellant's suggested planning conditions would ensure that the proposed lodges would be used for holiday purposes, operating 11 months a year, and not for permanent residential occupancy.
6. Nonetheless, Policies STRAT 1 and STRAT2 of the Cheshire West and Chester Council Local Plan 2015 (Part 1) (LP1) provides a settlement hierarchy for the borough and seeks to focus development in the most sustainable locations, in

order to minimise the loss of greenfield sites, protect the natural environment, and reduce the need to travel. LP1 Policy STRAT 9 also seeks to restrict development within the countryside to that which requires a countryside location and cannot be accommodated within identified settlements. In doing so it lists the types of development that will be supported outside of identified settlements.

7. In respect of the visitor economy LP1 Policy ECON3 promotes the creation of new tourism opportunities where they would be of a suitable scale and type for the location, and preferably located within urban areas, key service centres or local service centres. This also sets out that camping and caravan sites will be supported where there is an unmet need.
8. Policy DM 9 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (2019) (LP2) adds further detail to LP1 Policy ECON3, particularly in respect of where visitor accommodation will and will not be appropriate. It requires all types of visitor accommodation to meet the requirements of LP1 Policy STRAT 9 and to utilise existing buildings. LP2 Policy DM 10 supports proposals for caravan and camping sites for tourism, where amongst other things, they are also in line with LP1 Policies ECON 3 and STRAT 9, and LP2 Policy DM 9, and there is good accessibility via major roads and public transport.
9. The Council has not raised any objection to the effect of the siting of the proposed lodges on the character and appearance of the area. Given that they would be contained within the confines of the KP, which contains similar structures and would be screened by well-established tree and hedgerow planting I have no reason to question this. However, the proposal would not fall within any of the categories of acceptable development in the countryside listed in Policy STRAT9.
10. The appellant argues that it is not unusual for holiday park developments to be located in rural areas as people seek the intrinsic natural qualities that the countryside offers. He has also put forward that the coronavirus pandemic has boosted the UK tourism industry and increased demand for this type of holiday accommodation.
11. Nonetheless, there is little evidence before me to demonstrate that there is an unmet need for this type of visitor accommodation in this particular location. Although the appeal site is situated adjacent to open fields and agricultural land, it would be within a retirement park, and I have not been made aware of any nearby established tourist attractions or assets that would draw holiday makers to this area. On the basis of the evidence before me I am therefore unable to conclude that the proposal's location would be an in-demand, desirable holiday destination for most people.
12. Despite being utilised for holiday purposes over 11 months of the year, the proposal would also comprise self-catering accommodation. Travel to the nearest settlement of Middlewich, which is approximately 1.5 km away, would therefore still be necessary for activities such as obtaining essential supplies and potentially undertaking activities that visitors to an area might reasonably be expected to take part in, such as eating and drinking out, shopping and using recreational facilities.

13. Although it has been put to me that there is a local footpath network nearby I saw on my site visit that Middlewich is not within an easy walking distance, and would involve utilising the long narrow unlit Cledford Lane highway which has no pavements. It would therefore not provide an attractive alternative to the use of the car, especially after dark or in bad weather.
14. Whilst the appellant considers there to be good access to Middlewich via a number of sustainable modes of transport I was unable to locate any bus stops on Cledford Lane on my site visit, and have not been provided with any details of the times and frequency of bus services or other public transport in the area. Given the distances involved, the nature of the roads and the limited availability of public transport there would be a strong likelihood that most future occupiers would be dependent on the private car to access the majority of the services in the area, and further afield.
15. The proposal would therefore not meet the objectives of the settlement hierarchy for the borough and would not fall within an acceptable category of development in the countryside. In addition, it has not been demonstrated that it would satisfy an unmet need or that it would be accessible by sustainable modes of transport, thereby reducing the need to travel.
16. As such I find that the location of the site would not be acceptable for visitor accommodation, having particular regard to the provisions of the development plan and the accessibility to local services and facilities. It thereby conflicts with LP1 Policies STRAT 1, STRAT 2, STRAT 9 and ECON3, and LP2 Policies DM9 and DM10. It would also fail to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; as advised in paragraph 105 of the Framework.

Other Matters

17. The appeal proposal would generate some economic benefits through holiday makers who would spend and contribute to the local economy. The proposal would also bring employment opportunities through the provision of services such as maintenance and repairs for occupiers in the future. In addition, there would be financial benefits to support the existing KP business. However, as the proposal is only for four additional lodges any benefits in these respects would be somewhat limited.
18. It has also been put forward that the proposal would constitute the efficient use of previously developed and under-utilised land within the site. Nonetheless, it is uncontested that the appeal site was originally intended to be used as on-site recreational open space for the existing residents of KP. There is also little evidence to support the appellant's claim that this is or has ever been previously developed and given its current overgrown condition it is only to be expected that it is under-utilised. Accordingly, this argument does not weigh in favour of the proposal. This, and the other matters above do therefore not outweigh the harm that I have identified that the proposal would cause.
19. In reaching my findings I have also had regard to an earlier appeal decision at the site for four additional mobile park homes (Ref APP/A0665/W/18/3219043) and the appellant's submitted evidence in respect of average occupancy levels for holiday parks/campsites. Whilst I note that the proposal would be likely to result in a reduced amount of required trips to and from the site when compared to the previously proposed development, I have determined the

appeal on its own merits. For the reasons provided above I continue to find that the scheme conflicts with current local and national policies.

Conclusion

20. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should be dismissed.

Mark Caine

INSPECTOR