



Appeal Decision

Site Visit made on 26 October 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/R3705/W/21/3275343

Fishing Pool, Main Road, Baxterley CV9 2LW

- 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 David Vernon against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0437, dated 13 August 2020, was refused by notice dated 30 November 2020.
 - The development proposed is a change of use of building to form holiday let accommodation land adjacent the fishing pool Main Road, Baxterley CV9 2LW and single storey extension (Resubmission).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal follows a substantially identical proposal which was considered through an appeal¹ determined in 2020. That appeal was dismissed. Although relevant, that decision is not binding and does not limit the scope of judgement in individual case circumstances. Whilst I have had regard to its findings, I have considered the evidence provided by the main parties in conjunction with the current appeal on its own merits.
3. Since the date of the Council's decision, it has adopted the North Warwickshire Local Plan 2021 (NWLP). The policies contained therein supersede those referred to in the Council's Decision Notice. For the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004, this is the development plan against which the proposal must be assessed. Additionally, the Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issue

4. The main issue is whether the proposed development would be in a suitable location for sustainable tourist accommodation.

Reasons

5. The site includes an excavated lake and a timber lodge building located within a rolling rural landscape. In the vicinity, land is largely used for farming and equine purposes. The site is accessed from Main Road by an informal track.

¹ APP/R3705/W/19/3239321

6. Policy LE13 of the NWLP supports the re-use of existing rural buildings subject to meeting 3 criteria. There is no dispute that a proposed extension to facilitate the re-use of the building would not amount to a major extension; furthermore, the existing building is regarded as of sound and permanent construction.
7. However, the location of the site is distant from the nearest settlements which are small hamlets with limited services. The linking country lanes are generally national speed limit routes with no footways or street lighting. Although they did not appear heavily trafficked at the time of my visit, given the distances to the nearest services, their use for the majority of pedestrians and cyclists would not be without some risk, particularly during darkness hours.
8. Access to the main towns and local service centres by transport modes which don't rely on the use of fossil fuels would be largely inconvenient and impractical. Furthermore, there are no identified public transport facilities within easy access of the site. Accordingly, the majority of trips associated with the proposed use would be through the use of private motor vehicles.
9. I acknowledge that the on-site facility of the fishing pool may reduce travel needs for those visitors pursuing fishing holidays, however, this would not necessarily be the case for a large proportion of visitors. Those visitors wishing to visit other attractions in the area, including other fishing facilities, would be isolated from alternative viable means of sustainable transport. They would therefore be dependent on private motor vehicle to reach those destinations.
10. In support of the proposal, the appellant describes the increase in traffic as nominal and comparable to vehicle movements associated with nearby equine and residential uses. The nature of the nearby equine uses is unclear. Like the nearby houses, these may only serve local residents and therefore require only short journeys. In the absence of detailed evidence, this is not a matter of significant weight in favour of the development.
11. The extended building would be limited in scale such that a significant amount of traffic could not be anticipated in association with each visit. However, the proposed use of the site would potentially draw users from distant locations and could result in a more intensified use of the site throughout the year than at present. Over the course of the potential lifetime of the development, the absence of alternative means of access to the site or local services would lead to a significant cumulative contribution to greenhouse gas emissions. It has not therefore been demonstrated that the development would be a sustainable form of rural tourism.
12. I acknowledge that the Framework recognises that sites to meet local business or community needs in rural areas may have to be met beyond existing settlements and in locations not well served by public transport. However, as another Inspector has found, the local business need for new development in this particular locality has not been definitively demonstrated.
13. Notwithstanding that the building and lake are in situ, in the absence of demonstration that the proposal would either reduce private vehicle usage on the site or exploit other opportunities to make the location more sustainable, I find there is some conflict with Paragraph 85 of the Framework.
14. For the above reasons, the proposal would conflict with Policy LE13 of the NWLP which, amongst other things, seeks to limit the re-use of existing rural

buildings to locations readily accessible to the Main Towns and Local Service Centres via a range of modes of transport.

Other Matters

15. In support of the development, the appellant refers me to the economic benefits that would arise from the development in terms of local visitor spend and site servicing. Although the contribution would be limited given the scale of the accommodation, it would nevertheless be a benefit of the development.
16. The appellant has provided evidence that the popular pastime of fishing also contributes to the economy. The position of the cabin adjacent to the pond might make it attractive to some anglers seeking fishing holidays. However, as a proposal for holiday accommodation which would not exclusively be occupied by anglers and one that is likely to displace some, if not all, of the existing use of the pond, the benefit in that respect would be limited.
17. I am also directed to the growing demand for overnight holiday accommodation in the borough. The scheme could contribute to a preference for incremental growth for holiday accommodation as identified in the Hinckley & Bosworth and North Warwickshire Destination Management Plan (DMP). The use of the cabin would include a type of accommodation which would meet one, or more, distinctive markets. However, the findings in the DMP should not be without regard to the local development plan and the broader aims to achieve sustainable rural tourism. Accordingly, these are not matters of significant weight in favour of the proposal.
18. The appellant also highlights the effects of the Covid-19 pandemic on the demand for staycations. However, as a potential anomaly in the projected requirement for incremental growth, I do not find this a persuasive argument in favour of a development which could outlast the initial effects of a pandemic.

Planning balance and conclusion

19. Although I have little doubt that the use of the site for holiday accommodation would contribute to the wider economy, this benefit would be limited. It would not outweigh the conflict with the Council's spatial strategy for directing development to locations which benefit from a range of transport options to support sustainable rural tourism.
20. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

R Hitchcock

INSPECTOR