



Appeal Decision

Site Visit made on 2 November 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/C3430/W/21/3278434

**Land known as Swindon Marina, High Street, Swindon, Staffordshire
DY3 4NR**

- 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 C Nedic against the decision of South Staffordshire District Council.
 - The application Ref 20/01036/FUL, dated 17 November 2020, was refused by notice dated 21 June 2021.
 - The development proposed is the introduction of 51 No. holiday lodges at Swindon Marina.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is located within the Green Belt. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in the development plan policy and the National Planning Policy Framework (the Framework). I concur with that position and accordingly, the main issues in this case are the effect on:
 - the openness of the Green Belt,
 - flood risk; and,
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

3. The appeal site is adjacent to the village of Swindon and is between Smestow Brook and the Staffordshire and Worcestershire Canal; beyond the Brook is an area of woodland. The wider area is characterised primarily by open fields and countryside. The site itself is a field which, at the time of my visit, was covered in deep grasses and scrub. Whilst largely bounded by mature trees and hedging, there were a number of gaps or other open areas through which the site could be seen from the wider area.
4. Whilst the appeal site currently appears undeveloped, I understand from the submitted evidence that works on the previously approved marina have started and that the permission is extant. Alongside the marina there would be a

visitor centre, facilities building, vehicular tracks and parking areas. A significant portion of the site would be retained for landscaping and planting.

5. The proposal includes the provision of 51 holiday lodges across the site in conjunction with the previously approved works. They would run along one side of the marina and then, at the southern end of the site, form a group within an open area of the field. The lodges along the edge of the marina would be in an exposed position where they would be prominent features in any views in to, or within, the site. All of the proposed lodges would result in the development of otherwise open, landscaped areas of the appeal site.
6. The holiday lodges would be taller than the marina and likely taller than most boats which would be using it and the canal. They would therefore have a much more prominent visual presence within the site. Whilst there are two buildings approved on the site already which would be as prominent, and no smaller than, the lodges, they are very limited in relation to the holiday lodges cumulatively, which would result in a sprawl of buildings across the site. By way of their scale and their siting the lodges would affect the openness of the Green Belt both in terms of its visual and spatial aspects. This would be further exacerbated by the provision of any further pathways needed to access the lodges and the proliferation of residential paraphernalia typically associated with such accommodation. Therefore, as a result of their siting and scale in relation to the approved marina, the proposed lodges would have an unacceptable impact on the openness of the Green Belt.
7. As such, harm to the openness of the Green Belt would occur. Although I note that due to the size of the proposal before me, relative to the Green Belt, this impact would be moderate, a loss of openness would nevertheless result. Even a moderate adverse impact on openness would contribute to the overall harm to the Green Belt and therefore this matter carries substantial weight.

Flood Risk

8. The appeal site is in parts covered by flood zones 2 and 3 and therefore the site is at risk of flooding. As such, the Framework requires that a sequential test is carried out to assess whether any sites are available with a lesser flood risk. Whilst I note there is dispute as to whether the holiday lodges are within the flood zone, it is clear from the evidence before me (notably figure G5 and the Design Flood Event Depth V.2) that a number of lodges are at least partially within a flood zone.
9. While I note that there is an intended connection between the marina and holiday lodges, from the limited evidence before me I do not find that they are mutually reliant uses which are required to be on the same site and so, in my mind, this is not a sufficient reason to demonstrate that the development must be carried out on the site.
10. Given the above and that the development would be at risk of flooding, a sequential test would be necessary. As a sequential test has not been provided I cannot be certain that no other site, of a lower flood risk, is available and the proposal therefore fails this test. As such, it is not necessary for me to consider the exceptions test and any proposed works and mitigation on site intended to reduce the effect of the flood risk.

11. Whilst I note that the County Flooding team found differently to the Environment Agency, their comments do not preclude me from reaching my own determination based on the evidence and comments before me.
12. Therefore, in light of the above the proposal would cause an unacceptable increase in flood risk as a result of the proposed holiday lodges. It would therefore conflict with Section 14 of the Framework, and in particular Paragraph 159 which requires, amongst other things, that development is directed away from areas at the highest risk.

Other considerations

13. It has been put forward that the proposal would result in economic benefits for the local economy as a result of the associated construction works, future employment and the spending of visitors. Whilst I note that some specific details have been provided, such as the number of full time equivalent jobs created, the evidence is predominantly not site specific. In particular the potential economic uplift resulting from the site has been calculated from a 2011 study by the British Holiday and Home Parks Association of Visit Wales. Given the siting of the appeal site, near to only a relatively small village with limited retail and leisure opportunities, I find it has not been suitably substantiated that the appeal site before me would have the potential to result in the uplift suggested. Nevertheless, I find the proposal is likely to result in some uplift as a result of its construction, employment, and future spending of visitors. However, as I cannot be certain of the extent of this uplift, I attach it only moderate weight.
14. I find that an increase in visitors to the site, local facilities, services and the surrounding area would also likely result in some social uplift. However, lacking any substantive evidence to the contrary, I find any such increase would only be limited, with most visitors likely making use of the services and facilities on site or at specific tourist destinations, rather than within the area more generally. As such I attach this benefit only modest weight.
15. Whilst it has also been suggested that further trees would be planted as a result of the proposal, this has not been demonstrated and it appears that those trees shown on the proposed plans relate to the landscaping of the approved marina. I therefore do not find that this is a benefit for the development before me.

Green Belt Conclusion

16. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. Additional harm would be caused as a result of the increase to flood risk. At most, moderate weight has been given to those considerations cited in support of the proposal and they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Therefore, the proposal conflicts with the Green Belt aims of Policy GB1 of the Core Strategy Development Plan Document and the Framework

Conclusion

17. As such there are no material considerations that indicate that 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 dismissed.

Samuel Watson

INSPECTOR