



Appeal Decision

Site visit made on 16 November 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/D2510/W/21/3274924

Land North of Peasgate Lane (plot field 82), Chapel Lane, Toynton All Saints PE23 5AF

- 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 Chris Jones against the decision of East Lindsey District Council.
- The application Ref S/185/00297/21, dated 15 February 2021, was refused by notice dated 15 April 2021.
- The development proposed is erection of a log cabin.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Chris Jones against East Lindsey District Council. This is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposal represents a suitable location for tourist accommodation, having regard to i) the location strategy of the development plan ii) the accessibility of the site to local services and facilities; and iii) the effect of the proposal on the character and appearance of the area.

Reasons

Tourism Accommodation

4. The appeal site is a large field located to the east of the settlement of Toynton All Saints. At my site visit, I saw that the site is laid to grass, appearing agricultural in nature, with a small number of items on the land, including a static caravan, a log cabin, a small stable block and some machinery. A line of fencing and a gate separate the narrower front section of the site from the wider field to the rear. A driveway to a neighbouring smallholding runs along the eastern side of the site. On the western side, there is a dwelling towards the front with a rear garden which adjoins a small area of woodland. The rear part of the site has boundaries demarked only by light fencing, with clear views across neighbouring fields to the west and north. The smallholding is visible from the site, but views to the east are otherwise obscured by trees. Two other dwellings stand across the road from the site entrance.
5. The development plan for the area is the East Lindsey Local Plan Core Strategy (July 2018) (the LPCS). Policy SP1 sets out a sustainable pattern of development through a hierarchy of settlements. Toynton All Saints is

categorised as a 'medium village' in the third tier, such settlements providing some essential services and job opportunities for residents, but which still look to towns and larger villages for a greater range of community facilities. I am not advised as to whether Toynton All Saints has a defined settlement boundary, but the Council regards the appeal site as falling outside of the developed footprint of the village. I saw that continuous development along Chapel Lane/Peasgate Lane ends around 300 metres to the west of the site, after which are open fields and hedgerows, punctuated only by a single large dwelling to the south of the lane and the dwellings at the site entrance. Based on this, I am satisfied that the site lies in the open countryside.

6. Policy SP15 supports quality tourism facilities and attractions where they meet certain criteria, including where they extend and diversify the tourism and leisure economy; provide employment; provide opportunities for the enjoyment of the District's wider countryside and historic towns and villages; do not cause unacceptable harm to the landscape, biodiversity or heritage assets; and are of a scale and intensity compatible with their surroundings.
7. The main parties are in dispute as to which part of Policy SP15 is applicable to the proposal. The Council maintains it is Part 2, which refers to 'new build development for serviced holiday accommodation (hotels and bed and breakfast premises)' and requires that these be located 'in or adjoining existing towns and large villages'. The Council points to the supporting text of the policy at paragraph 8.9, which defines serviced holiday accommodation as 'hotels and bed and breakfast premises and self-catering lets'.
8. Conversely, the appellant considers Part 3 to be applicable, which supports 'new and extensions to caravans, log cabins, chalets, camping and tourist touring site development where sites are in close proximity to a town, large or medium village', and subject to further criteria relating to the impact of the development on the surrounding environment and safe access being provided.
9. It is a well-founded principle that planning policies should be read objectively and words given their ordinary meaning. It is also the case that supporting text, though helpful in setting the context for a policy, is not part of the policy itself. The proposal is for a log cabin, which is specifically referred to under Part 3 of the policy. Whilst the definition of 'serviced accommodation' in the supporting text includes 'self-catering lets', these words do not appear in the policy itself under Part 2, where only hotels and bed and breakfast accommodation are specified under what I read to be a closed list. The grouping of self-catering lets with hotels and B&Bs under 'serviced accommodation' in the supporting text also implies they are similar in nature, such as accommodation where some element of regular cleaning or laundering is provided, e.g. where a whole flat or house is rented.
10. Moreover, the fact that log cabins and caravans are listed separately both under Part 3 and at paragraphs 8.6 and 8.7 of the supporting text, further indicates to me that, even though log cabins, caravans and chalets could all fall under the term 'self-catering', they are to be considered separately to hotels and B&Bs. The different locational criteria under Parts 2 and 3, with hotels and B&Bs being directed to higher order settlements, reflects their typically larger scale and the desire to locate them close to local services and amenities, in contrast to log cabins, caravans and chalets, which are more self-sufficient

forms of accommodation supported in proximity to smaller settlements with fewer amenities.

11. The Council further argues that Part 3 of the policy mostly relates to proposals for change of use of the land for the siting of caravans, log cabins, chalets and tents, but that the large scale and form of the proposed log cabin means it would amount to a building operation and would not fall within the definition of a caravan. However, neither Part 3 nor the supporting text sets out any limitation on the size of a log cabin, caravan or chalet, nor does it restrict it to pre-built structures placed on the land as opposed to cabins built in situ. The Council's argument that the log cabin would exceed the definition of a caravan is irrelevant, given that a caravan is not sought and no such limitation is set out in the policy.
12. For these reasons, it is my view that log cabins do not fall under the definition of 'serviced accommodation' for the purposes of Part 2 of Policy SP15, but fall to be considered under Part 3. The test in Part 3 is that the development should be in close proximity to a town, large or medium village and, among other criteria, it should have safe access to the relevant settlement with vehicles and pedestrians being segregated.
13. The Council indicates that there is no definition of 'close proximity' for the purposes of the policy, but paragraph 8.7 sets out that towns and large villages are the locations best able to ensure access to services and facilities. The appeal site is located some 300 metres beyond the built-up area of Toynton All Saints. It is separated by open, agricultural fields and is physically detached from the village. However, the village could be reached in around 10 minutes on foot, less by bicycle and no more than a couple of minutes by car. As such, I am satisfied that the site is physically in close proximity to the village.
14. However, I saw that the lane into the village was narrow, wide enough only for a single vehicle, with dense hedgerows to either side and no footpath or even a navigable verge for pedestrians. Indeed, there is no footpath even within the built-up area until one reaches the junction of Chapel Lane and Main Road around 500 metres from the appeal site, nor is there any street lighting along this route. Whilst I appreciate that in many cases rural lanes will not have any footpaths, the requirements of the policy are clear and in this case pedestrians would not be segregated from vehicles when accessing the settlement. I accept that the lane is lightly trafficked, but there are dwellings and accesses to agricultural fields, which creates a risk of conflict between vehicles, including large agricultural machinery, and pedestrians that the policy seeks to avoid, and which would be hazardous to their safety. Though street lighting is not a requirement, its absence in combination with a lack of segregation would add to the hazard for pedestrians, particularly at night. Therefore, I find that the proposal would not meet with this requirement of Policy SP15(3).

Accessibility

15. Policy SP22 supports accessibility and the reduction in the isolation of the District by supporting, among other things, developments in and adjoining settlements, and those that give priority to pedestrian and cycle movements. The supporting text of Policy SP22 recognises that East Lindsey is a large, rural area characterised by clusters of small villages grouped around and dependent upon towns and large villages for the majority of needs, with many villages

remote from essential services and main roads leading to high car ownership levels and dependence on the extensive network of minor roads.

16. Toynton All Saints, despite its status as a medium village, has few facilities to meet the needs of self-catering holidaymakers, with only a church and no shop, café, public house or restaurant. The proposal is for a lone cabin, and as such there is no scope for on-site provision of facilities as might be found at larger tourism developments. In practice, therefore, visitors would have to travel at least to Spilsby some 3km away to avail of such facilities. This would require travel along the A16 road and would not be conducive to pedestrians or recreational cyclists. I note the existence of public rights of way across fields in the area, but these would not be convenient for accessing local services, particularly in poor weather or at night. The bus service calling at Toynton All Saints is very limited and would not offer a viable means of transport for most visitors. As such, visitors would be reliant on the private car for travel in nearly all circumstances, except for recreational walking or cycling, though I accept that the scale of car use would be limited given the small size of the proposal.
17. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that sites for rural development may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, it adds that development should exploit any opportunities to make a location more sustainable, for example by improving the scope for access on foot, by cycling or by public transport. I recognise that log cabins are to be found outside of built up areas, given the attraction for holidaymakers in factors such as a quiet environment, proximity to nature and countryside views. However, there are no operational reasons which necessitate the location of the cabin on this particular site. Given the lack of facilities in Toynton All Saints and the lack of suitable pedestrian access, the site would not be suitably located to access local services and facilities and would not improve the scope for access by sustainable modes of transport, relying instead on the private car, contrary to the aims of Policy SP22 and the Framework.

Character and Appearance

18. The surroundings of the appeal site are rural in character, with open fields to the west and north, small woodland copses, a narrow lane bordered by mature hedgerows and some sporadic, individual housing. The appeal site itself, despite the presence of some structures, retains a largely natural appearance as a large agricultural field. Indeed, part of the site at the rear was in use for the grazing of sheep. At the rear, the open character means the field forms a physical and visual continuation of the rural landscape. I saw at my site visit that the site forms part of the vista from dwellings to the west on Main Road in Toynton All Saints, and the existing cabin is also visible from Peasgate Lane.
19. The proposed log cabin would be located roughly in the same position as the existing cabin. It is indicated on plans that existing sheds to the western boundary would be removed, but none were visible at my site visit. The stable block would also be removed. Neither the plans nor the appeal documents from either main party refer to retention or removal of the large static caravan on the land.

20. The footprint of the proposed log cabin would be similar to the existing cabin. However, no elevations of the proposed cabin are provided. The design and access statement indicates the cabin would be flat roofed, with solar panels on the roof. However, in the absence of elevation drawings, it is unclear if the solar panels would sit flat on the roof or stand at an angle. There is no indication that the panels would be incorporated into the roof structure, and it is likely that their fixings would result in them standing above the roof level to some extent, adding to the overall visibility of the cabin.
21. In addition to the solar panels, the proposal would include a number of other elements, including a gravelled access lane and parking area, a bin storage area and new fencing in front of the cabin. In combination, these features would create a noticeably more domestic character to the front part of the site. This would be visible from the lane and adjacent properties and would be at odds with the rural character of the Hainton to Toynton All Saints Wolds Farmland Landscape Character Area, described as a tranquil rural landscape with few detractors. My observations of the site tally with this description.
22. The appellant proposes various landscaping measures intended to offset the visual impact of the development, namely perimeter tree and hedgerow planting, wildflower meadow areas to the front and towards the rear, and a large wildlife pond to the centre of the site. I accept that, in time, the tree planting on the western side of the site may screen views of the development from the public footpath and dwellings to the west. However, the details of planting are limited, and based on the plans I am concerned that the landscaping would appear managed and at odds with the natural surroundings. It would also infill the open field and prevent its continued use for agriculture, which are prevailing characteristics of the landscape.
23. Moreover, the landscaping would not prevent views of the driveway, bin storage, parking areas and the cabin itself from the front of the site. Therefore, whilst the proposed landscaping would be a positive element of the scheme, it would not be sufficient to overcome the adverse visual effect of the proposed built form and subsequent harm arising from the loss of the natural, agricultural appearance of the site that is a characteristic part of the surrounding landscape. This would conflict with Policies SP10, SP15 and SP23 which together support well-designed sustainable development that maintains and enhances the character of the District's countryside and landscapes.

Conclusion on Main Issue

24. My findings indicate that the proposal would fail to provide suitable access for pedestrians to the nearest settlement, and visitors would be reliant on the private car for most journeys, given the lack of facilities in Toynton All Saints. There would also be harm to the landscape character of the area. For the reasons set out, I conclude that, overall, the appeal site would not represent a suitable location for tourism development, in conflict with the aforementioned aims of Policies SP10, SP15, SP22 and SP23 of the LPCS.

Other Material Considerations

25. The proposal would add to the range of tourist accommodation in the district, although given it is a single log cabin, the benefit of this would be very limited. I appreciate that the proposed landscaping, in particular the wildflower meadows and pond, would create conditions conducive to biodiversity gains,

both in terms of flora and fauna. Given the overall size of the site, I afford moderate weight to this benefit.

26. The Council did not refuse permission on the basis of harm to neighbours' living conditions. The use of the site for tourist accommodation would mean more comings and goings, and potential sources of noise from visitors, particularly at night. However, given the small scale of the proposal, and the distance from the nearest dwellings, I am satisfied that there would not be significant adverse effects on neighbouring occupants in terms of noise, disturbance or overlooking.
27. I also note no objection was raised by the Council in terms of traffic impacts. I acknowledge concerns raised by residents in respect of the road's condition and past incidents; however, there is no evidence before me relating to accidents in the area, and given the small scale of the proposal and the low levels of traffic I observed, I have no compelling reasons to conclude differently to the Council.
28. I have had regard to other comments regarding the installation of utilities on the land, including water and electricity, and a septic tank. However, no details of these are proposed as part of the appeal, and therefore I have not considered them further.

Conclusion

29. My findings on the main issue indicate that the proposal would result in conflict with the development plan, taken as a whole, to which I afford significant weight. Other material considerations in this case, whilst affording some benefits, would not be sufficient to overcome this conflict. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR