
Appeal Decision

Site visit made on 15 March 2022

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/V2635/W/21/3280637

Abbey Lakes Close, Pentney, PE32 1FN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bill Atkins against the decision of Kings Lynn and West Norfolk Borough Council.
 - The application Ref 21/00611/O, dated 27 March 2021, was refused by notice dated 29 June 2021.
 - The development proposed is 4 No 3/4-bedroom log cabins with boat storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are whether the location of the proposed development is suitable having regard to the spatial strategy of the development plan, the effect of the development on the character and appearance of the area and whether the proposal would harm the nearby County Wildlife Site.

Reasons

Suitability of the location

3. The appeal site forms part of a collection of mobile homes and log cabins which appear to be used as a leisure park and are grouped around lakes. There is evidence of at least one of the lakes being used for water skiing. It appears to be common ground between the parties that the leisure park has limited facilities, other than the residential accommodation and those used for water skiing. The appeal site lies in the open countryside and is set within woodland and incorporates landscape features that limit the impact of the leisure park on the surrounding countryside.
4. The appeal proposal would lead to the development of a further 4 log cabins and boat storage on the edge of the leisure park. The appeal site contains an earth bund which screens the leisure park from the surrounding countryside. It is unclear from the information which has been supplied with the planning application and the appeal whether the bund would remain should the development go ahead.
5. The development plan for the area is comprised of the Kings Lynn and West Norfolk Borough Council, Local Development Framework, Core Strategy, July

2011 (CS) and the Site Allocations and Development Management Policies Plan, September 2016 (SADMPP). Policies CS01, CS02 and CS06 of the CS appear to be relevant to the issue related to the suitability of the location for the development. The Policies DM1, DM2 and DM11 of the SADMPP are also of relevance.

6. The CS sets out a spatial strategy based on directing development towards the main centres of the borough, with an emphasis on the development of brownfield sites within these centres. Elsewhere it focuses growth on key rural service centres set out in a settlement hierarchy. The appeal site is neither located in a main centre or a key rural service centre. Therefore, for the purposes of the spatial strategy the site is located in the countryside away from towns and villages.
7. Policy DM2 of the SADMPP allows for the development of tourism facilities in the countryside, outside the development boundaries set out in the plan, and links this provision to the criteria set out in Policy CS10 of the CS. CS10 supports tourism businesses where they are located in or adjacent to villages and towns. The appeal proposal is not located within a village or town of the Borough nor is it adjacent to one and is therefore in conflict with this policy.
8. Policy DM11 of the SADMPP relates to the development of '*Tourism and Permanent Holiday Sites*'. Whilst the Policy is negatively worded and therefore not up to date in accordance with current Government Policy, it does set out what the Council requires for this type of development to be favourably considered. In particular the Council requires that proposals are supported by a business plan demonstrating how the site will be managed and how it will support tourism or tourist related uses in the area. It is part of the Council's case that no business plan was submitted in support of the appeal proposal.
9. Consequently, as the site has limited facilities, lies in the open countryside away from the main centres of the borough, and has not been supported by a business plan that shows how it will support the local tourism economy, I find that the appeal proposal is in conflict with the Policies of the development plan that relate to the suitability of its location as set out above.

Character and appearance

10. The area within which the appeal site is located has a predominantly countryside character made up of fields and hedgerows. The leisure park is currently well screened from the surrounding countryside by trees and in some cases earth bunds.
11. The appeal site lies at the edge of the leisure park. It would appear to me that the proposed log cabins and boat storage would either be located on top of the earth bund, which would increase their prominence in the countryside, or the earth bund would be removed or lowered to accommodate the lodges. The removal of all or part of the earth bund would increase the prominence of the other features of the site in the countryside, including some of the existing lodges and features used for water skiing. In either case the character and appearance of this countryside location would be harmed by the proposal.
12. The National Planning Policy Framework (the Framework) at paragraph 84 supports the development of sustainable rural tourism and leisure developments. However, these developments are required to respect the

character of the countryside. In the case of the proposal which is the subject of this appeal it would increase the prominence of built development in this location thereby harming the predominantly open nature of the countryside surrounding the leisure park. In this respect it would not accord with this paragraph of the Framework.

13. Policy CS06 of the CS and Policies DM11 and DM15 of the SADMPP all seek to protect the character and appearance of the local environment and the character and beauty of the countryside and its landscapes. The location of the proposed log cabins and boat storage on the edge of the leisure park would make the development on the park much more prominent from outside the site. Therefore, the development would harm the character and appearance of the countryside in this location due to the increase in the prominence of built development and domestic activity brought about by the log cabins and the boat storage which would be alien to this open countryside location.
14. Consequently, and for the reasons given above I find the appeal proposal in conflict with the policies of the development plan that relate to the character and appearance of the area.

Proximity of the County Wildlife Site

15. The appeal site lies within close proximity of Bird Lake which has been identified as a County Wildlife Site. The increase in activity close to the site, which the appeal proposal would bring about, has the potential to increase the disturbance caused to the wildlife present in the area.
16. Policy CS12 of the CS seeks to protect County Wildlife Sites from development which would damage their interest and significance unless the public benefit of the development outweighs the loss of interest or significance. Furthermore, and in order to assess the impact of proposals on County Wildlife Sites the policies require development to be accompanied by an ecological impact assessment. No ecological impact assessment has been submitted nor has an assessment of the public benefit of the proposal been made.
17. Furthermore, Policy DM11 of the SADMPP, dealing with touring and permanent holiday sites, also requires proposals for new or extended leisure parks to have a minimal impact on the natural environment. In the absence of an ecological assessment the impact of the appeal proposal on the County Wildlife Site cannot be assessed.
18. Therefore, and given the close proximity of the appeal proposal to the County Wildlife Site and the potential for activity associated with the log cabins and the boat storage to cause disturbance to this site I find that the proposal is in conflict with the policies of the development plan set out above.

Other Matters

19. The appellant has referred to a previous appeal decision¹ on the leisure park in support of the appeal proposal. I have had regard to this decision in this appeal. Whilst I understand the points made regarding the Inspector's comments concerning the location of the leisure park, I do not consider them to be particularly relevant to this appeal as the previous appeal related to a site within the leisure park. The site before me lies on the edge of the leisure park

¹ APP/V2635/A/13/2200623

and would have a different impact on the prominence of the site in the open countryside.

20. Moreover, the appeal decision referred to dates from a number of years ago, where it was anticipated that the leisure park would develop and acquire more on-site facilities. It is clear that the facilities have not developed at the rate anticipated and the park still has a limited range of facilities. This would result in the occupiers of the leisure park having to access these facilities in the towns and villages in the wider area.
21. Furthermore, the decision references an earlier version of the National Planning Policy Framework (the Framework). The current Framework supports the development of sustainable rural tourism and leisure development, which respects the character of the countryside. However, where the Framework recognises that sites might need to be found away from existing settlements it also emphasises that development ensures that it is sensitive to its surroundings. I have found above that the appeal proposal would be prominent in the countryside and harm its character and appearance. It is therefore not sensitive to its surroundings as required by the Framework.
22. I also note that the appellant has made reference to an agreement made under s106 of the Town and Country Planning Act 1990 (the s106). Whilst this is capable of being a material consideration in this appeal, the proposals before me are required to be determined in accordance with the development plan unless material considerations indicate otherwise. I have therefore had regard to the s106 in this decision, however given that it was specifically intended to deal with the impacts of a previous permission I can only give it limited weight in this decision.
23. Finally, the appellant refers to the earth bund and that it will not be removed as part of the appeal proposal. As the earth bund appears to run through the whole of the appeal site it would mean that the log cabins and the boat storage would have to be sited on top of the bund, thus increasing their prominence in the area. I have dealt with this matter in the paragraphs relating to the impact of the proposal on the character and appearance of the locality set out above.

Planning Balance

24. I recognise that due to its location and the presence of a number of lakes and the existence of water-skiing facilities that more log cabins would support this activity and that the presence of additional people would have a small impact on the local economy.
25. Nevertheless, in accordance with S38(6) of the Planning and Compulsory Purchase Act 1990 decisions on proposals for development should be determined in accordance with the development plan unless material considerations indicate otherwise. I see no reason why the appeal proposal should not be determined other than in accordance with the development plan.

Conclusion

26. The appeal is therefore dismissed.

Peter Mark Sturgess

INSPECTOR