

Appeal Decision

Site visit made on 25 March 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2022

Appeal Ref: APP/D1265/W/21/3284755

Osmington Mills Holidays, Mills Road, Osmington Mills DT3 6HB

- 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 Allen Main (Osmington Holiday Park Ltd c/o Waterside Holiday Group) against the decision of Dorset Council.
 - The application Ref WD/D/19/002903, dated 20 November 2019, was refused by notice dated 8 July 2021.
 - The development proposed is use of land as a year round holiday park.
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Decision

1. The appeal is allowed and planning permission is granted for use of land as a year round holiday park at Osmington Mills Holidays, Mills Road, Osmington Mills DT3 6HB, in accordance with the terms of the application, Ref WD/D/19/002903, dated 20 November 2019, subject to the attached Schedule of Conditions.

Application for costs

2. An application for costs was made by Mr Allen Main (Osmington Holiday Park Ltd c/o Waterside Holiday Group) against Dorset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development as stated on the application form has been amended in subsequent documents. I have adopted the description included in the appeal form, which reflects the proposal accurately and precisely.
4. The appellant has submitted a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990, which is signed and dated 13 December 2021. I shall return to this later in this decision.

Main Issues

5. The main issues are:
 - Whether the proposed use of land as a year round holiday park would amount to sustainable development; and
 - The effect of the proposal in relation to sites of international importance for nature conservation.

Reasons

Whether sustainable development

6. The appeal relates to a well-established holiday park comprising a number of cedar lodges, set within a relatively verdant and tranquil setting. Planning permission for the restructuring of facilities to upgrade and enhance the existing caravan and camping park at Osmington Mills was granted in 1987, but was notably subject to a condition restricting the occupation of the holiday units, in the interests of the amenities of the locality. The proposal seeks to extend the use of the lodges as holiday accommodation on a year round basis.
7. Policy ECON7 of the West Dorset, Weymouth and Portland Local Plan 2015 (WDWP LP) supports the creation and expansion of caravan and camping sites, subject to several criteria. In particular, this policy seeks to ensure that these facilities do not have a significant adverse impact on the distinctive characteristics of the area's landscape, heritage or built environment. Similarly, paragraph 84 of the National Planning Policy Framework (the Framework) supports sustainable rural tourism and leisure developments which respect the character of the countryside.
8. Concerns have been raised by the Council regarding the location of the holiday park which, it is argued, does not lie within proximity to a large settlement offering a wide range of leisure, recreations, hospitality and public transport services. However, and as recognised by the Framework, sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, provided the development is sensitive to its surroundings. There is no doubt that the rural location of the holiday park, within the Dorset Area of Outstanding Natural Beauty (AONB) and the Heritage Coast, is an intrinsic element of its appeal to visitors. In such locations, where the provision of bus services and sustainable forms of transport is generally more limited, it is reasonable to expect that there will be a greater reliance on private motor vehicles.
9. Furthermore, it has to be borne in mind that the proposed changes relate to an *existing* (my emphasis) holiday park. It is likely that the proposed changes would increase the number of trips to the holiday park throughout the winter season. However, additional visits would support existing facilities within the Osmington Mills compound and the tourist industry at a time of the year when they are typically quieter. No substantive evidence has been presented by the Council to support the claim that visitors would not use nearby services and facilities.
10. There is also limited information before me to demonstrate that the occupation of the lodges for an additional two months of the year would increase the carbon footprint of the development significantly. The Council's arguments seem to be based on the assumption that the lodges would be all occupied over these two additional months. Furthermore, it is assumed that the energy consumption associated with the occupation of the lodges over the winter months would be in net addition to the energy which would be otherwise used at the occupiers' normal place of residence. However, it can be reasonably expected that whilst heating and lighting use on the appeal site may increase when visitors stay in the lodges, the energy costs at their normal place of residence would in turn decrease whilst they are away.

11. Additionally, my attention has not been drawn to a development plan policy restricting the use of existing holiday accommodation for such reasons. The Council's submissions refer to a Climate and Ecological Emergency Strategy and Action Plan but this document is not before me and there is no certainty that this would provide justification for resisting the proposed changes on this sole basis.
12. Having regard to the available information and in the absence of substantive evidence to the contrary, I am satisfied that the carbon footprint of the development would not increase significantly as a result of the proposed changes. It cannot therefore be concluded that the proposed changes would have an adverse impact on climate change. The proposal would support the local tourist industry and represent a sustainable form of development. There would consequently be no conflict with Policy INT1 of the WDWP LP, which sets out a presumption in favour of sustainable development.

Nature conservation

13. The holiday park lies within proximity to the Warmwell Heath Site of Special Scientific Interest (SSSI), which forms part of the Dorset Heathlands Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC) and Ramsar site. These international designations are collectively referred by the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (the Dorset Heathlands SPD) as the Dorset Heathlands. They host a number of protected priority habitats and species, including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes.
14. The Dorset Heathlands SPD sets out a strategic approach to mitigation, in order to address current and future pressures affecting these sensitive areas, which are notably caused by recreational disturbance associated with new development. There is no dispute between the main parties that the year round occupancy of the caravans could have a likely significant effect on the integrity of the Dorset Heathlands (either individually or in combination with other plans or projects), unless suitable mitigation is provided. In such circumstances, I am required, when evaluating the effects that a proposal might have on a European site, to consider avoidance and reduction measures through an Appropriate Assessment (AA), rather than at the screening stage.
15. In accordance with the requirements of Policy ENV2 of the WDWP LP and the Dorset Heathlands SPD, development proposals have to make financial contributions towards Strategic Access Management and Monitoring (SAMM) and Heathland Infrastructure Projects, which seek to provide facilities to attract people away from the protected heathland sites. As noted above, a signed and dated UU, which would provide the required financial contribution towards SAMM, has been submitted as part of the appeal.
16. As Statutory Nature Conservation Body, Natural England provided comments during the course of the planning application and subsequently confirmed that the proposed financial contribution is sufficient to avoid an adverse impact on the integrity of the European site and relevant features. It is also agreed that the submitted UU adequately secures the deliverability of the necessary heathland mitigation measures in a timely fashion, as required by the Habitats Regulations..

17. The UU would ensure that the financial contribution towards mitigation measures is secured by legally binding means, and would be paid upon the grant of planning permission. No concerns have been raised by the Council regarding the content of the UU. Consequently, and having regard to the available evidence, I am satisfied that the secured SAMM contribution would ensure that there would be no likely significant adverse effect on the integrity of the Dorset Heathlands (either individually or in combination with other plans or projects), as a result of the proposal. Accordingly, I find no conflict with Policy ENV2 of the WDWP LP, the Dorset Heathlands SPD and the requirements of the National Planning Policy Framework (the Framework) on Habitats and Biodiversity.

Other Matters

18. As noted above, the site forms part of the Dorset AONB and the Heritage Coast, and therefore lies within a visually sensitive environment. A number of interested parties, including Osmington Parish Council, objected to the proposal, notably on the grounds that the development would have a detrimental visual impact on the local area. However, the changes relate to an existing development which is largely screened by mature landscaping. Accordingly, I am satisfied that the proposed use of land as a year round holiday park would therefore not have an adverse impact on the character and appearance of its rural surroundings, and conserve the landscape and scenic beauty of the Dorset AONB.

Conditions

19. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in order to provide certainty and clarity. I have imposed conditions limiting the number of lodges and restricting their occupancy so that they are solely used for holiday purposes. These conditions are considered necessary in the interests of certainty, and to conserve the scenic and landscape beauty of the Dorset AONB and Heritage Coast. The appeal scheme primarily relates to the use of land as a year round holiday park, and it is however not considered reasonable to impose a condition regarding the external appearance of the lodges.

Conclusion

20. The appeal scheme would accord with the development plan as a whole. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan received 25/11/19, Layout Plan – Northern Section 2020 09 09 A received 11/1/21, Layout Plan – Southern Section 2020 09 10 A received 11/1/21.
- 3) Not more than 69 holiday caravans shall be stationed on the site.
- 4) The development hereby approved shall be occupied for holiday purposes only and shall not be occupied as the main or sole place of residence of the occupier.
- 5) The owners/operators must maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday accommodation hereby approved on the site, together with the dates of occupation. The said register shall be made available for inspection during all reasonable hours at the request of an officer of the Local Planning Authority.

END OF SCHEDULE