



Appeal Decision

Site visit made on 9 September 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 OCTOBER 2022

Appeal Ref: APP/D2510/W/22/3296721

Well Pastures, Saddleback Road, Skidbrooke LN11 7DH

- 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 A Fairley against the decision of East Lindsey District Council.
 - The application Ref N/155/02279/21, dated 1 November 2021, was refused by notice dated 17 January 2022.
 - The development proposed is change of use of land for the siting of up to a maximum of six (6x) shepherd huts for use as tourist accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this case is whether the site represents a suitable location for tourism accommodation.

Reasons

3. The development plan comprises 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. The appeal site lies in open countryside outside of any named settlement in the hierarchy.
4. Policy SP19 relates to tourism development in the coastal area of the district. It supports caravans, log cabins, chalets and camping and touring sites in the open countryside only where it can be shown that these sites do not cause unacceptable harm to the character of the countryside, to the wider landscape or to protected or important habitats or species. It adds that new sites must demonstrate that they are directly related to an existing tourism facility and show how users of the site will access the nearest town, large or medium settlement with pedestrians and vehicles being segregated or being accessible by public transport. It is these latter considerations that form the basis of the Council's reason for refusal.
5. The site contains a bungalow set within some 7 acres of gardens and paddocks enclosed from the surrounding agricultural fields by mature hedgerows to all sides. There is also a large agricultural barn, a workshop and stable block.
6. The site is located in open countryside and there is no existing tourism facility at the site. The Council points to the supporting text of the LPCS, which states that 'directly connected' in terms of Policy SP19 means that the site should be part of an existing tourism business and not a stand-alone business. That

would be the case here, and thus the proposal would conflict with Policy SP19 in this respect.

7. The appellant argues that there is no explanation within the LPCS for the blanket restriction of Policy SP19 with respect to new tourism proposals in the countryside, and that this approach is in direct conflict with the National Planning Policy Framework (the Framework), which at Paragraph 84 encourages the sustainable growth and expansion of all types of businesses in rural areas; the development and diversification of agricultural and other land-based rural businesses; and sustainable rural tourism and leisure developments which respect the character of the countryside.
8. The Framework also 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.
9. In terms of the LPCS, the supporting text to Policy SP19 at paragraph 10.19 sets out that the most sustainable location for serviced holiday accommodation is within the settlements in the coastal area. Paragraph 10.24 states that it is important to ensure that developments do not spread beyond the edge of settlements without appropriate safeguards, without which development could become isolated or development in the open countryside. At paragraph 10.25, the Council points to the protection of the open countryside being a priority both locally and nationally.
10. It can be understood from the text of the LPCS that tourism is an important part of the local economy and is strongly supported, but with a recognition that unrestricted expansion of tourist accommodation beyond established coastal settlements poses a risk to the intrinsic character and beauty of the countryside. The approach of Policy SP19 accords with the balanced approach of the Framework in these respects, taking account of the need to support rural businesses, but also having regard to the protection of the countryside and the accessibility of development. Therefore, I am not persuaded that there is a contradiction between the policy and the Framework or that it should attract less weight in the assessment of the proposal.
11. In terms of accessibility, the site is some 3km from the Large Village of Saltfleet, along a narrow, unlit rural road with no footpaths. I appreciate that in many cases rural roads will not have any footpaths, but the requirements of the policy are clear and in this case pedestrians would not be segregated from vehicles when accessing the nearest settlement.
12. The appellant refers to alternative means of transport, including a bookable bus service operating in the area. On the information provided, it would appear that this may offer some utility to guests where advance bookings are made. However, this would not provide a realistic alternative to travel by car, particularly given the limited routes provided by the service. Similarly, two other local bus routes identified from Saltfleet to Louth and Grimsby would require another means of transport to reach Saltfleet, which limits the likelihood of these services being used regularly by guests of the proposed development.

13. I also note the appellant's intention to offer a free taxi service and free hire of bicycles. However, I have no mechanism before me, such as a condition or planning obligation, that would secure these measures. Consequently, there is no certainty that they would be delivered in perpetuity and therefore, I afford limited weight to them as prospective benefits of the proposal.
14. I recognise that accommodation like shepherd huts 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. I also accept that the distance to the nearest facilities would also mean that it would deter many guests from making journeys on foot. Some recreational cycling may occur, but most journeys by guests would still be made by private transport. It is also the case that most visitors would arrive to the development by, and thus have access to, a car and that many attractions in the surrounding area are located in rural areas most easily reached by car, some of which have been cited by the appellant. However, the thrust of the Framework and the LPCS, through Policy SP19 and also Policy SP22 which has been provided to me, is to increase accessibility through walking, cycling and public transport where possible, rather than through private transport. Locating within or adjacent to settlements would enable visitors to make more journeys to shops, restaurants, pubs and other facilities on foot or bicycle. Conversely, locating in the open countryside would not afford realistic opportunities for sustainable modes of transport to be utilised.
15. In this case, no operational reasons have been put to me which indicate that it is necessary to locate the accommodation on this particular site in the open countryside. Given the lack of facilities nearby and absence of convenient pedestrian access to the nearest settlement, 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, instead relying primarily on the private car.
16. In terms of the other criteria of Policy SP19, the Council did not identify harm to the character of the countryside or surrounding landscape. The site is heavily enclosed by boundary trees and hedgerows, meaning that the huts would have very limited visibility from outside the site and would have no tangible effect on the existing landscape character. Similarly, no adverse effects on protected or important habitats have been identified.
17. However, the absence of harm in these respects does not overcome the harm identified in terms of the other requirements of Policy SP19. For the reasons set out above, therefore, I conclude that the proposal would conflict with Policy SP19 of the LPCS and would not represent a suitable location for tourism accommodation.

Other Matters

18. The appellant sets out that the proposal would deliver significant social benefits through the introduction of quality tourism accommodation, that would also secure the long term future of the site. It is added that economic benefits would flow from the initial investment in the development, subsequent revenue and through spending by tourists in the local area, contributing towards the long term vitality and viability of local facilities and tourist attractions.

19. I accept that the proposal would deliver social and economic benefits in these respects. However, I have no evidence as to the anticipated scale of these benefits, or the specific financial situation for the appellant and/or any existing business on the land. But, given the small number of huts proposed, I consider that the benefits accruing from the proposal, both in social and economic terms, would attract limited weight in the planning balance.
20. The site lies within Flood Zone 3, though the Council indicates that further to the advice in Annex 2 of the LPCS, the proposal is deemed to have passed the sequential test and part one of the exception test, as set out in the Framework. The flood risk assessment provided by the appellant would further comply with the requirements of part two of the exception test, such that the development could be made safe for its lifetime. I have no evidence to contradict the Council's conclusions in this respect, but the absence of harm in terms of flood risk is a neutral factor overall.
21. The proposal was not refused in respect of highway safety. Again, I have no substantive evidence to reach a different view to the Council in this matter.

Conclusion

22. 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