



Appeal Decision

Site visit made on 21 December 2022

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/T2350/W/22/3305208

Pendle View Holiday Park, Whalley Clitheroe Bypass, Barrow, Clitheroe, BB7 9DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Joshua Hocking against the decision of Ribble Valley Borough Council.
- The application Ref 3/2022/0161, dated 10 February 2022, was refused by notice dated 23 May 2022.
- The application sought planning permission for the change of use of fishery to leisure park with 19 lodges, 11 woodland lodges, 10 cabins, warden's lodge, conversion, extension and amenity building to form one bedroom holiday cottage, conversion of storage buildings to form one 2 bed holiday cottage, conversion and extension of existing manager's house and café to form restaurant, public house and manager's accommodation, 100 car parking space, ground work, re-contouring and creation of ecological wetland and ancillary landscaping without complying with conditions 7 and 8 attached to planning permission Ref 3/2021/0431, dated 9 July 2021.
- The conditions in dispute are Nos 7 and 8 which state that:
 - (7) A scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority within 6 months of the opening of the sales office on site. The applicant shall advise the Council on the completion of any associated works (relating to the sales office and upon its opening to enable this time period to be begun.*
 - (8) None of the holiday lodges or cabins hereby approved shall be occupied until the approved scheme referred to in condition 7 has been constructed in accordance with the scheme details.*
- The reasons given for the conditions are:
 - (7) In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable, and*
 - (8) In the interest of highway safety.*

Decision

1. The appeal is allowed and planning permission is granted for the change of use of fishery to leisure park with 19 lodges, 11 woodland lodges, 10 cabins, warden's lodge, conversion, extension and amenity building to form one bedroom holiday cottage, conversion of storage buildings to form one 2 bed holiday cottage, conversion and extension of existing manager's house and café to form restaurant, public house and manager's accommodation, 100 car parking space, ground work, re-contouring and creation of ecological wetland

and ancillary landscaping at Pendle View Holiday Park, Whalley Clitheroe Bypass, Barrow, Clitheroe, BB7 9DH in accordance with the application Ref 3/2022/0161, dated 10 February 2022 without compliance with condition numbers 7 and 8 previously imposed on planning permission Ref 3/2021/0431, dated 9 July 2021 and subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is whether the proposal would have an unacceptable effect on highway safety.

Reasons

3. The appeal site is located on the outskirts of Barrow on the eastern side of the A59, a de-restricted dual carriageway. It has its own dedicated access just south of the Holm Road roundabout which includes short diverging/merging tapers. The A59 is crossed by an existing Right of Way a short distance north of the roundabout.
4. The highway works envisaged by conditions 7 and 8 involve the provision of pedestrian facilities over the A59 linking the site to the adjacent Barrow Brook Trade Park. It appears from the written submissions that the Appellant has agreed to discharge conditions 7 and 8 by way of a financial contribution to Lancashire County Council (LCC) as Highway Authority to design and implement the required works.
5. While the scheme has been designed, its implementation has been delayed numerous times for reasons that are not entirely clear. Given that condition 8 restricts occupation of the lodges until the works have been completed, the appellant is understandably frustrated with these delays which are having a financial impact on his business.
6. The appeal scheme seeks to overcome the current impasse by varying conditions 7 and 8 so that 25% of the lodges can be occupied prior to the undertaking of the highway works. In the interim period, the operator of the park would provide an 'on-demand' minibus service to take visitors the short distance between the site and adjacent trade park. The service would be publicised with literature and signage as appropriate
7. The proposed variation would allow the occupation of six lodges/cabins before the works are implemented¹. By any measure, this would generate only a very small number of pedestrian trips to the adjacent trade park bearing in mind few visitors to the holiday park would be without use of a car. Even when the pedestrian link is provided, the reality is that most people would still make that journey by car given the convenience it offers over walking especially when transporting food or shopping, the principal reasons why visitors will want to access the trade park. The proposed minibus service would also help to deter some pedestrians from crossing the A59.
8. Despite the mitigation on offer, I acknowledge that for some the prospect of a late-night Big Mac might prove difficult to resist. However, I am not persuaded that the A59 needs to be viewed as some sort of impenetrable barrier. While

¹ There is a suggestion in the Council's Appeal Statement at paragraph 8.1 that some lodges are already occupied. However, no further details are provided.

crossing facilities are currently far from ideal, I observed that there are regular gaps in the traffic to be able to cross using the central reservation and splitter islands. I suspect that traffic volumes drop off significantly in the evenings and at weekends when those trips are most likely to be made. I also observed that the frequency of turning movements from Holm Road helps to reduce entry speeds to the roundabout.

9. I am also mindful that there is already a PROW across the A59 a very short distance to the north and also the possibility that some lodges may already be occupied on the site. Despite that, there is no indication from the Council that there has been a history of accidents in and around the site.
10. Notwithstanding the above, the pedestrian infrastructure is very clearly substandard and will require improvement before the approved development starts to generate more significant numbers of pedestrian trips. While the Council may well disagree with my assessment, it is germane that it is within the gift of LCC to prioritise the works so that they are implemented at the earliest opportunity.
11. I note that neither the Council nor LCC have commented upon the proposed minibus service. Moreover, no substantive evidence is before me to explain how the occupation of a small number of lodges would cause unacceptable harm to highway safety. Based on the foregoing, I conclude that the proposal to amend the wording of conditions 7 and 8 would not cause unacceptable harm to highway safety. Accordingly, there would be no conflict with Policies DMG1 and Policy DMG3 of the Ribble Valley Core Strategy or paragraph 111 of the National Planning Policy Framework.

Conclusion

12. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should be allowed.
13. The Council has not provided a list of suggested conditions, I have therefore imposed amended versions of conditions 7 and 8 as suggested by the Appellant in the interests of highway safety. Given that the effect of this decision is to create a new planning permission, I have also re-imposed the conditions attached to the previous consent.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

- 1) Unless explicitly required by condition within this planning permission, the development hereby permitted shall be carried out in accordance with the details shown on drawing nos. 1018_100: Site Location; 1013_103 Rev A: Site Layout; 1013_105: Public House / Restaurant and Managers Accommodation; 1013_106: Holiday Cottage (8 person); 1013_107: Holiday Cottage (4 person); 1013_108 Rev A: Site Sections and Figure 1 Revised: Highway and Pedestrian Access Improvements, and in line with the illustrative details shown in the Holiday Lodge (2 bedroom), Holiday Lodge (3 bedroom) and Chalet Cabin manufacturer's details, unless otherwise agreed in writing by the local planning authority.
- 2) No phase of development shall be occupied until a management plan for the site has been submitted to and approved in writing by the local planning authority. The site shall be operated at all times in accordance with the approved plan. As a minimum, the management plan shall provide details of:
 1. Access arrangements
 2. Security arrangements
 3. Site maintenance arrangements
 4. Site rules and regulations for residents
- 3) The public house and restaurant shall not be open to the public outside the hours of 08:00 to 23:00 on Monday to Thursday and on Sunday, and outside the hours of 08:00 to 24:00 on Friday and Saturday.
- 4) The holiday lodges, cottages and cabins shall be used and occupied as holiday accommodation only and shall not be occupied as a person's sole or primary place of residence. The site operator shall maintain an up-to-date register of the names of all owners / occupiers of individual lodges, cottages and cabins on the site and of their main home addresses at all times, and shall make this information available to the local planning authority upon request.
- 5) No tree felling, vegetation clearance works, site clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless the site has been subject to additional surveys by a competent ecologist, the results of which shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the ecological survey/s.
- 6) In the event that contaminated ground is found within the site during construction, this should be reported to the contaminated land officer at the local planning authority. Works in the location of the contaminated ground should cease and the area cordoned off. A Competent Person shall be appointed to undertake sampling and analysis of the suspected contaminated materials, and a report containing details of sampling methodologies and analysis results, together with recommended remediation methodologies, shall be submitted to the local planning authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of

the development. Should no adverse ground conditions be encountered during each phase of development, a Verification Statement shall be forwarded in writing to the local planning authority prior to occupation of each phase of development, confirming that no adverse ground conditions were found.

- 7) A scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority within 6 months of this application. The scheme will include a temporary minibuss service available to the owners and visitors to park. The applicant shall advise the Council on the completion of any associated works.
- 8) Only up to 25% of the holiday lodges or cabins hereby approved shall be occupied until the approved scheme referred to in condition 7 has been approved and constructed in accordance with the scheme details, Construction must be completed within 12 months of this application.
- 9) For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
- 10) The residential accommodation associated with the development contained within the proposed public house and restaurant shall be occupied by persons employed in connection with the operational management of the proposed complex.