



Appeal Decision

Site visit made on 28 February 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/F1040/W/22/3303885

Knights Lodges, Knights Lane, Bretby, Burton-on-Trent DE15 0RT

- 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 D Willshee against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2021/1196, dated 20 August 2021, was refused by notice dated 4 July 2022.
 - The development proposed is the erection of leisure building with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a leisure building with associated access, parking and landscaping at Knights Lodges, Knights Lane, Bretby, Burton-on-Trent DE15 0RT in accordance with the terms of the application, Ref DMPA/2021/1196, dated 20 August 2021, subject to the conditions in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Mr D Willshee against South Derbyshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Other than for the omission of the south-western wing, a leisure building that is similar to the proposed building which is the subject of this appeal has been erected on the appeal site. I have determined the appeal on the basis of the submitted plans rather than the building that has been erected.
4. The date of the planning application given on the appeal form is different to the date given on the application form. Similarly, the address given on the appeal form differs from that given on the application form in that it omits 'Knights Lodges'. In the banner header above and in the permission, I have used the application date and address given on the application form.

Main Issue

5. The appeal site is a parcel of land within a park of holiday lodges known as Knights Lodges. With the granting of planning permission for two other versions of the leisure building, it is common ground that the development of such a tourist related building is acceptable in principle.
6. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The holiday park is located within a hedged field on Knight's Lane. The surrounding landscape is characterised by undulating fields with occasional copses and mature trees within the hedgerows.
8. The proposed building would be a T shaped, single storey, gable ended structure set back slightly within the field, with its shorter front elevation facing Knights Lane. The ridge and eaves height of the building would be similar to the L shaped leisure building that was originally granted permission (ref: DMPA/2020/0226). The front elevation of the proposal would be wider. However, as the building would be orientated with its shorter front elevation facing the road, rather than its longer side elevation, as is the case with the scheme in the original permission, it would be perceived to be similar in scale in views from the highway. The landscaping scheme would also help soften the long side elevation in views from the public footpath to the south-west.
9. The preponderance of stone over wood cladding would make the building appear more substantial than the original permission. However, as a focal point of the spacious holiday park that is otherwise occupied by smaller, wooden clad lodges this would not be harmful. Moreover, the contrasting use of stone, wood and glazing would help provide relief to the building's elevations. Given the screening effect of the roadside hedge on the parking spaces and any parked cars, the number of parking spaces that would be provided would also be acceptable.
10. The appeal proposal primarily differs from the two other permissions for a leisure building in that additional space has been added to create a T shaped building. This allows a gym and games room to be provided in addition to the swimming pool. As a holiday park in a rural area, there is no evidence before me that these leisure needs are met by existing facilities within easy access of the holiday park.
11. Taking all these matters into account, I therefore conclude that the appeal proposal would be a building that is appropriate in scale for the proposed leisure uses and that its visual impact has been sufficiently well controlled through good design for its effect on the character of the area to be acceptable. The proposal would therefore comply with policies E7, BNE4 and INF10 of the South Derbyshire Local Plan Part 1 and policy BNE5 of the South Derbyshire Local Plan Part 2. These policies support tourism development in appropriate locations where identified needs are not met by existing facilities. They also require the protection of the character and appearance of a locality through high quality design that respects local design features.

Other Matters

12. Various designated heritage assets such as listed buildings, Bretby Castle, Bretby Hall and Bretby Conservation Area are located in the wider area. Their significance is architectural and historical. However, as there is no intervisibility between the appeal site and these assets, and the appeal site is not located within their setting, I agree with the Council that their significance would not be harmed by the appeal proposal.

Conditions

13. In the interests of certainty, I have imposed a condition specifying the relevant plans that the development is to be carried out in accordance with. To ensure that the building is only used by holiday park residents and their guests, a register needs to be kept of users of the leisure building. To ensure that the development does not increase flood risk and that it abides by the principles of sustainable drainage the scheme needs to be carried out in accordance with submitted surface drainage details. For the same reason, further details of the infiltration pond, as well as a drainage verification report, need to be submitted for approval.
14. To promote sustainable transport, an electrical charging point and secure cycle parking needs to be provided. In the interests of highway safety, parking and manoeuvring needs to be laid out. In the interests of visual amenity and pleasant conditions for the occupiers of the holiday lodges, details of any external lighting need to be submitted for approval. To enhance biodiversity, the recommendations contained within the submitted assessment need to be implemented.
15. In order to ensure that the development complements its surroundings, landscaping and the materials used on the external surfaces of the building need to be carried out in accordance with the submitted details. To ensure that any planting becomes well established it needs to be well maintained.
16. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance. A list of documents was proposed for inclusion with the plans listed in condition 2. However, as the plans and other conditions cover relevant matters contained within these documents their inclusion is unnecessary.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Schedule

- 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:
 - Drawing no.18 (Ground Floor Plan and Elevations),
 - Drawing no.19C (Site Plan),
 - Drawing no.20B (Site Location Plan),
 - Drawing no.21 (Material Schedule),
 - Drawing no.105 Rev.P10 (Proposed Drainage, Layout and External Levels),
 - Drawing no.106 Rev.P2 (Proposed Drainage Details),
 - Drawing no.108 Rev.P1 (Drainage Construction Details),

- Drawing no.GL0797 05C (Leisure Building Landscape Proposals),
Proposed Leisure Block Visualisations (dated 8th June 2021)
- 3) The development shall take place accordance with the drainage proposals outlined within:
- a. PRP. 04/02/2022. Flood Risk Assessment. Rev A.
 - b. PRP. 27/01/2022. 1 in 1 year storm calcs. Rev 1
 - c. PRP. 27/01/2022. 1 in 30 year storm calcs. Rev 1
 - d. PRP. 27/01/2022. 1 in 100+40% CC calcs. Rev 1
 - e. PRP. 27/01/2022. 1 in 100 calcs. Rev 1
 - f. PRP. 25/02/2022. Proposed Drainage Layout and External Levels. Rev P10
 - g. PRP. 01/2022. MANAGEMENT SCHEDULE FOR SURFACE WATER DRAINAGE DURING CONSTRUCTION. Rev 1
 - h. PRP. 15/03/2022. 81270 - Maintenance Schedule. Rev1
 - i. Golby + Luck Landscape Architects. 29/03/2022. Leisure building landscape proposals. Rev D
 - j. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015). Any agreed amendments shall be submitted to the local planning authority.
- 4) The facing and roofing materials and fenestration to be used shall follow the details as described within the submitted Materials Schedule Drawing No. 21. The stone to be used on the main face of the building shall be constructed using irregular patterning within the mortar layers and irregular sizes of stone. The development shall be constructed using the approved facing, roofing and fenestration materials.
- 5) The development hereby approved shall be carried out in accordance with the biodiversity enhancement recommendations in Section 5 of the Ecological Impact Assessment 2019-12(01) produced by Ecolocation dated 16th January 2020. The measures shall be implemented and retained as such thereafter.
- 6) No external lighting shall be installed until details of the intensity, angling, shielding and the area of spread of the lighting have been submitted to the local planning authority for approval in writing. The lights shall be installed in accordance with the approved details and thereafter retained in conformity with them. The submitted scheme shall comply with the latest guidance published by the Institute of Lighting Engineers.
- 7) Prior to the first use of the development hereby approved, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the local planning authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

- 8) Prior to the first use of the development hereby approved, the parking and manoeuvring space shown on drawing ref: Proposed Plans Site Plan 19C as received by the local planning authority on 28th February 2022, shall be laid out and thereafter shall be maintained throughout the life of the development free of any impediment to its designated use.
- 9) Prior to the first use of the development hereby approved, 1 no. electric vehicle charging point shall be provided. The point of installation and specification of the charging point to be provided shall be submitted to the local planning authority and approved in writing prior to installation. The charging point shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. The electric vehicle charging point shall be provided in accordance with the stated criteria and approved details prior to the first use and shall thereafter be maintained in working order and remain available for use throughout the life of the development.
- 10) Prior to the first use of the development hereby approved, 1 no. secure cycle parking facility shall be provided in accordance with specification and siting details that have been submitted to and approved by the local planning authority in writing. The provided parking facility shall thereafter be maintained in good repair for the lifetime of the development.
- 11) Prior to first use of the development hereby permitted, a scheme for an infiltration pond fully designed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753, together with a timetable for its construction shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the pond shall be managed and maintained in accordance with the agreed details for the lifetime of the development.
- 12) The approved Landscaping Scheme GL0797 05C, shall be implemented in full in the first planting season following the occupation of the development. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in accordance with the approved scheme and timetable; and any plants which within a period of five years (ten years in the case of trees) from the completion of the phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the local planning authority gives written consent to any variation.
- 13) The development hereby approved shall solely be used as an ancillary facility to in situ Knights Lodge tourism accommodation and shall solely be used by customers residing in the tourism accommodation on site and guests of those customers. A register shall be kept of customers and their guests using the facility, their lodge/cabin numbers and duration of stay at the cabins and made available for viewing upon the request of the local planning authority. The development shall not be for general public use.

-----End of Conditions Schedule-----