



Appeal Decision

Site visit made on 23 March 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2023

Appeal Ref: APP/P2935/W/22/3313705

Elwick Farm, C59 Easington Grange Junction to Detchant Park Junction, Belford NE70 7EL

- 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 & Mrs Comber against the decision of Northumberland County Council.
 - The application Ref 21/01833/FUL, dated 29 April 2021, was refused by notice dated 8 July 2022.
 - The development proposed is 60 no. pitches for holiday accommodation comprising touring caravan/campervan pitches and tents.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the Council advised that the incorrect ownership certificate, Certificate A, had been provided at the planning application stage. The planning application was advertised in the press and the site owner is a family member who has entered into the submitted planning obligation. Therefore, I agree with the Council that in proceeding with this appeal no parties' interests would be prejudiced in these circumstances.

Main Issues

3. The main issues are:
 - whether or not the proposal would be suitably located, with particular regard to the spatial strategy and level of accessibility;
 - Highway safety;
 - the effect on surface water drainage; and
 - the effect on local biodiversity interests.

Reasons

Locational considerations

4. The appeal site is an undeveloped field which forms part of a larger working agricultural holding. It occupies an exposed position, within the Northumberland Coast Area of Outstanding Natural Beauty ("the AONB"), close to some sensitive environmental designations associated with the

Northumberland coastline. The location has been referred to in the evidence as being deeply rural and from my site visit, I concur with that description.

5. Situated within the Northumberland Local Plan 2016-2036 ("the Local Plan") Northern Delivery Area, the appeal site is close to the appellant's farm complex, but well beyond any settlement and public transport route. The appellant's evidence demonstrates some connectivity of the site to the existing local walking and cycle routes which link to a wildlife hide and nearby settlements including Belford and Bamburgh.
6. In recognition of the Council's accessibility concerns, education and information boards within the proposed amenity building, electric bicycles, a visitor minibus service, social evenings and opportunities to purchase daily farm derived provisions are proposed through appropriately worded planning conditions. My attention has also been drawn to the availability of local delivery services to support visitors' needs.
7. Policy STP 1 of the Local Plan steers new development to the most sustainable locations where proposals can support, and benefit from the use of existing local infrastructure and facilities, and support economic growth, whilst protecting the countryside.
8. However, general support is also given to rural economic development and the visitor economy within this particular Delivery Area. The Plan recognises that new visitor accommodation can be appropriately located in the countryside through the reuse of existing buildings or redevelopment of previously developed land in the first instance. Furthermore, it must be demonstrated that it supports the sustainable growth and expansion of an existing business or formation of a new business in accordance with Policy ECN 13 or supports sustainable rural tourism in line with Policy ECN 15 of the Local Plan. Crucially, the Plan's supporting text recognises that there is a need to diversify the range of visitor accommodation available, depressurise areas most likely to experience environmental harm and accommodate visitors' aspirations, whilst reflecting the appropriate degree of protection that the particular countryside location has in terms of landscape character, visual impact and effects on local infrastructure.
9. As such, Policy ECN 15 of the Local Plan requires that new build permanent buildings for holiday accommodation of any sort are small scale and form part of a recognised village or hamlet or as close as practicable to existing buildings, and it would demonstrably improve and diversify the County's tourism offer or clearly provide necessary accommodation along an established tourist route. Furthermore, new sites for camping and caravans will be supported in accessible locations beyond the AONB providing the proposed development is adequately screened, taking account short and long-range views, by existing vegetation and topography or new good quality landscaping compatible with the surrounding landscape.
10. However, amongst other things, Policy ENV 5 of the Local Plan states that the special qualities of this AONB will be conserved and enhanced. In assessing proposals, consideration will be given to the extent to which the development supports the growth and diversification of the rural economy, and the tourist aims of Policy ECN 15 within the constraints set out in that Policy.

11. The appeal proposal includes a permanent new building which would provide facilities associated with the occupation of the proposed pitches for temporary visitor accommodation. It does not relate to previously developed land, or an existing building and the appeal site is located within the AONB.
12. There are opportunities for pedestrians to use dedicated walking trails in the area. Cycle Route 1 is stated as being approximately 3 kilometres away, linking the site to Berwick, Belford and Seahouses. However, the appeal site is not within convenient reach to any established settlements that provide services and facilities to support visitors' needs. There would be very limited services on site and no others within a close walking distance. Although opportunities for walking and cycling for the duration of a stay are evident, overall there would be a strong reliance of visitors on motor vehicles to access and travel from this remote countryside location to other parts of the area. Even though this type of use may support the use of the Coastal Path and shoreline activities, the appeal site does not provide an acceptable level of accessibility for visitors. Overall, it remains that the appeal proposal would be situated in an environmentally sensitive and very isolated location.
13. For these reasons, I conclude that the appeal proposal would not be suitably located, with particular regard to the spatial strategy and level of accessibility. In view of this overall finding, the appeal proposal conflicts with Policies STP 1, ECN 13, ENV 5 and ECN 15 of the Local Plan.
14. The mitigation proposed by the appellant could reduce the reliance on motor vehicles. However, the net impacts of these have not been adequately quantified and their uptake cannot be guaranteed. Furthermore, the retail proposals did not form part of the planning application and are considered to be a material change which the Council had not had opportunity to publicise and fully consider. Consequently, these measures do not overcome the policy conflict which I have identified, and they carry only limited favourable weight.

Highway safety

15. The appeal proposal would generate traffic movements associated with the use of 60 pitches, which would include cars, touring caravans, motorhomes, motorcycles and bicycles and servicing vehicles, as well as pedestrian movements, including on an evening and in poor weather conditions.
16. Access would be provided off the C59 which is a relatively straight, unlit, single carriageway with no dedicated footways where a 60 mile per hour speed limit applies. The appeal site would be reached from an existing track which runs to one side of an interconnecting field. This would be upgraded to include passing bays. Parking for cycles and 65 vehicles would be provided within the appeal site.
17. The site access road would be improved and passing bays introduced which could be designed to be sufficient to accommodate large cars towing caravans giving way to other traffic. Furthermore, the access road junction with the C59 would be designed to enable sufficient visibility. All vehicles would be able to enter and egress the site in a forward gear. Therefore, following my site visit and, as the submitted Transport Statement confirms, I am satisfied that the proposed access junction and track serving the appeal site would be suitable and safe for motorists, that all trips could be accommodated within the existing

infrastructure and that a severe residual cumulative impact on the road network would not arise.

18. I also note that cycle and walking routes are close by. However, crucially the appeal site is not adequately integrated with a footpath network along the C59. This could give rise to conflict with the likely increased pedestrian movements along that route and connecting roads. This would include during hours of darkness and poor weather when other cross-country routes may not be as attractive because of the differing needs of visitors. In line with the Council's assessment, there is a realistic prospect of conflict between highway users which could be prejudicial to highway safety, particularly if the low reliance on the motor vehicle was to be realised. Therefore, I do not agree with the Transport Statement's conclusion that the appeal proposal would not have an adverse impact on the safety of all users.
19. For this reason, overall the appeal proposal would be prejudicial to highway safety. The submission of a Transport Statement at the appeal stage is in accordance with Policy TRA1 of the Local Plan. Policy TRA 2 of the Local Plan states amongst other things that all development affecting the transport network will be required to minimise conflict between different modes of transport. In view of my finding on pedestrian safety, the appeal proposal conflicts with Policy TRA 2 of the Local Plan.

Surface water drainage

20. Paragraph 167 of the Framework requires that flood risk is not increased elsewhere, and that the proposal be supported by a site-specific flood-risk assessment. This is further supported by Policy WAT 3 of the Local Plan which states the potential for both on and off-site flood risk from all potential sources will be measured, taking into account the current policy approach¹.
21. In response to the Council's concerns, the appellant has provided a Proposed Drainage Strategy Drawing, Causeway Calculations, and a Greenfield Runoff Calculation Sheet. This drainage evidence shows that the land falls to the North and this is supported by the spot levels contained in the drainage layout. This demonstrates that water currently runs off the appeal site to the north. However, the drainage proposal shows water being deposited to the south of the site into the Elswick Burn. The Council's evidence confirms that for the 1 in 100 years + Climate Change storm event, this would give rise to the prospect of a further 72.8 cubic metres of water entering the Elswick Burn.
22. Crucially, the appellant's evidence does not support that additional flow into this watercourse and the impacts of the additional water volumes on flood risk are therefore unknown. Significantly, the Environment Agency's long term flood risk map for surface water indicates a risk that the Elswick Burn breaches the bank where the watercourse is culverted under the highway at Mill Cottage. It has not been adequately demonstrated that the proposed additional flows would not exacerbate this issue. An inconsistency between the rate of discharge stated on the submitted drawings and within Hydraulic Calculations (Causeway) is also evident.
23. Furthermore, Policy WAT 4 of the Local Plan states that Sustainable Urban Drainage ("SuDS") will be a requirement for any new development where it is

¹ Approach contained within the relevant Catchment Flood Management Plan; the Northumberland Local Flood Risk Management Strategy; the Northumberland Outline Water Cycle Study; and the findings of Drainage Area Studies.

necessary to manage surface water drainage, unless it can be clearly demonstrated that it is not technically, operationally or financially deliverable or viable and that any surface water drainage issues resulting from the development can be alternatively mitigated; or that the SuDS scheme will itself adversely affect the environment or safety.

24. The proposed attenuation would be provided in oversized pipes which would provide benefits in terms of flood risk, but no additional benefits in terms of water quality, amenity, or biodiversity. In the context of paragraph 169 of the Framework, Policy WAT 4 of the Local Plan and the Local Drainage Standards, the proposed drainage solution would be inadequate in securing source control SuDs to provide multi-functional benefits within the appeal site and the level of source protection is unclear. Moreover, the appellant has not adequately justified why further maximisation of the use of SuDs is not appropriate in this instance, including the method of storing water alongside the highway.
25. Overall, there is insufficient evidence before me to demonstrate that an appropriate drainage scheme could be secured by the imposition of a planning condition in this particular instance. Therefore, although this updated evidence makes significant changes to the original proposed Drainage Strategy, I agree with the Council that it does not adequately address the potential exacerbation of existing off-site flood risk.
26. For these reasons, the appeal proposal would give rise to an increased flood risk from surface water. Consequently, the appeal proposal conflicts with Policy WAT 4 of the Local Plan.

Wildlife

27. The Council has confirmed that the submitted bird surveys show the site itself is not functionally linked to the SPA as its wintering qualifying species are not regularly using the appeal site itself. However, as Curlew and other waders which are associated with the nearby Lindisfarne Site of Special Scientific Interest ("the SSSI") have been found to use the appeal site on occasion, and a large number of Geese, including qualifying species of the SPA, do use surrounding fields, especially during high tide, then mitigation would be required.
28. Mitigation is proposed in the ecology report² for those species using surrounding fields. Significantly however, other submitted documents show that access points into fields towards the coast will be provided and landscape planting will be established, thereby contradicting the mitigation identified as being necessary to make the development acceptable in the ecology report. Furthermore, regarding the use of the site itself by SSSI species such as curlew, while these are migratory and wintering species, the autumn migration starts as early as July with numbers building up through August and September, which are months when the site is likely to be operational.
29. The unilateral undertaking would secure a contribute to the Coastal Mitigation Service Strategy in relation to recreational disturbance relating to the SPA. However, this does not address the fact that in terms of landscape and access, the submission before me does not adequately address the effects on the SPA qualifying species, notified species and assemblages from the SSSI and other

² Document Ref: George Dodds, (July 2022)

protected species which currently frequent within or beside the appeal site itself, bearing in mind the opening times for the appeal proposal.

30. For these reasons, I conclude that the appeal proposal could harm local biodiversity interests.
31. Policy ENV1 of the Local Plan states, amongst other things, that an ecosystem approach will be taken that demonstrates an understanding of the significance and sensitivity of natural resources and there should be a neutral impact on, or a net benefit for those ecosystems. Policy ENV2 of the Local Plan states that proposals which affect biodiversity, including designated sites and protected species and habitats and priority habitats and species, will minimise their impact and demonstrate that any unavoidable adverse impacts will be adequately mitigated or as a last resort compensated for. Policy ENV 5 of the Local Plan states that particular considerations will include the interdependency between the special qualities of the landscape and the marine and coastal environment, including internationally and nationally important nature conservation sites and associated ecosystems, geology, species and habitats.
32. As it has not been clearly demonstrated that the appeal proposal will not harm local biodiversity interests, the appeal proposal conflicts with Policies ENV 1, ENV 2, and ENV 5 of the Local Plan.

Other Matters

33. The appellant considers that the appeal proposal is a type of farm diversification which is necessary to allow the continued success of a 5th generation farm business and protection and the enhancement of the land associated with it. They have argued that the appeal proposal seeks to address a shortfall in tourism accommodation in the area which is signified by the popularity of the appellant's temporary 28 day "pop-up" camp site and the alleged illegal parking of motorhomes and touring caravans in the area. Some evidence on demand and need has been submitted.
34. I recognise that the appeal proposal would assist in the Council's quest to diversify its tourism accommodation offer and that this would be a popular visitor location because of the scenic beauty, tranquillity and biodiversity capital of this particular locality. However, I have found that the appeal scheme does not have adequate accessibility credentials and would pose risks to both highway safety and increased off-site flooding. Therefore, overall it would not constitute a sustainable tourism development.
35. The appellant has argued that there are tensions within the local policy framework and that the appeal scheme is supported by the AONB Board. Crucially however, in stating that Northumberland will be promoted and developed as a destination for tourists and visitors, Policy ECN 15 of the Local Plan recognises the need to sustain and conserve the environment and local communities.
36. In view of my findings, the appeal proposal is not supported by either Policy STP 2 or STP 3 of the Local Plan. Furthermore, given the nature and level of conflict overall the appeal proposal conflicts with the development plan when read as a whole.

37. Due to the proximity and potential impact to internationally important sites, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) states that a competent authority will be required to undertake a Habitat Regulations Assessment of the development.
38. The appellant has made submissions regarding the essential environmental considerations in this regard, including a unilateral undertaking to address potential recreational impacts on the SPA. The Council has raised concerns about the drafting of that legal document. Although its concerns are not insurmountable, I note that Natural England and the Council have raised wider concerns about the other submissions relating to the remaining environmental considerations concerning the neighbouring environmentally sensitive Sites
39. At the time of reporting, a suitably revised undertaking had not been provided. The appeal process is not a mechanism to remedy these drafting issues. Moreover, as the appeal proposal is unacceptable for other reasons, even if the appeal proposal was to meet all of the HRA requirements, the outcome of this appeal would remain unchanged. Therefore it is unnecessary for me to undertake any such assessment.

Conclusion

40. There is the conflict with the development plan when read as a whole. Furthermore, there are no matters weighing in favour of the appeal proposal which outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR