



Appeal Decision

Site visit made on 06 June 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/R1010/W/22/3311795

Clayton Farm, Green Lane, STONY HOUGHTON, NG19 8TR

- 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 Mark Clayton against the decision of Bolsover District Council.
 - The application Ref 22/00486/FUL, dated 15 September 2022, was refused by notice dated 17 November 2022.
 - The development proposed is gravel drive to serve touring park. Create 5 caravan hard standings, toilet block for 10 tent pitches and dog run area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The threshold criteria at 10 (B) of schedule 2 of the Environmental Impact Assessment regulations¹ are not exceeded, and the proposed development is not identified within appeal documentation as being within or near a sensitive area as defined by the regulations. It has not been necessary, therefore, to issue a screening direction in this case.

Main Issues

3. The main issues are:
 - whether the site would be a suitable location for the proposed development taking account of relevant local and national policies; including having particular regard to its effect on the character and appearance of the area, the proximity of the site to the services and facilities visitors would require access to in order meet day-to-day needs, and the opportunities that would be available for transport options other than the private motor vehicle,
 - the effect of the proposed development on the living conditions of occupiers of existing dwellings within proximity of the site, and
 - the effect of the proposed development on wildlife and biodiversity.

Reasons

Suitability of site location

4. For planning policy purposes, the site is located within an area of open countryside. Policy SS9 of the Local Plan for Bolsover District, 2020, (the LP), states that development proposals in such designated areas will only be

¹ The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

granted if they fall within one or more of a list of categories outlined in the Policy. The Policy also states that where a proposal is considered acceptable (by satisfying one or more of the types of development listed), it is required to respect, among other things, the character of the landscape.

5. One of the categories in Policy SS9, category b), allows for development necessary for the efficient or viable operation of agriculture, horticulture, forestry, or other land-based industry, including the diversification of activities on an existing farm unit. However, no substantive evidence has been provided to demonstrate that the proposal is for either of these reasons, including diversification, in accordance with the requirements of the Policy.
6. Another one of the categories in Policy SS9 is category c), which allows for small scale employment uses related to, among other things, tourism. The section of the planning application form which requests details of existing and proposed employees is blank. The 'DAS statement', dated 14th September 2022 and revised 5th October 2022, offers conflicting information. Thus, it states that the proposal will create employment in the area, and it also states that the site will be managed by the appellant remotely.
7. In light of the above, as I have not been provided with any substantive evidence demonstrating that the proposal would create any employment opportunities, and as the proposal does not satisfy any of the other categories outlined in Policy SS9, I conclude that the proposal does not accord with Policy SS9 of the LP.
8. Policy WC3 of the LP advises that sustainable rural employment and diversification will be supported within the countryside where it does not conflict with other policies in the LP; and that employment generating developments of an appropriate scale will be supported, subject to satisfying other criteria. As I have already found that there is no evidence to demonstrate that the proposal would create employment opportunities, and consequently it conflicts with another policy in the LP, ie Policy SS9, I therefore conclude that the proposal does not accord with Policy WC3 of the LP.
9. Policy WC10 of the LP provides support for proposals which would provide, among other things, accommodation for visitors to the district, including tourism related visitors. The proposal would provide accommodation for visitors, and therefore accords with this aspect of the policy.
10. Additionally, the Policy requires the majority of new tourism facilities to be directed to towns, emerging towns and large villages. The proposal would not be located within a town, emerging town, or large village. However, the Policy wording is that "the majority" of such proposals will be directed to such locations. Hence, not all. As such the policy allows for development as proposed to be located outside of a town, emerging town, or large village.
11. However, the Policy also advises that tourism proposals will be supported where they meet certain criteria, ie a) they contribute to the achievement of regeneration aims and objectives, and b) the development would be at a scale in keeping with local character and preserve or enhance the quality of the natural and built environment. Criterion c) relates to visitor attractions, which the proposal does not fall within. I have not been provided with any evidence that the proposal would contribute to the achievement of any regeneration aims and objectives.

12. As broadly outlined in the description of proposed development above, the proposal consists of erecting a toilet block, creating hard standings for 5 caravans of a size that would accommodate a caravan, awning and a parked car, pitches for 10 tents arranged such that associated cars would be parked in front of them, a dog run and an internal gravel drive, and gravel footpath, to serve the touring park.
13. The site is basically an area of open agricultural land, located just off a country road known as Green Lane. The plans show that the appellant owns land to the west and south of the site, which is also agricultural land. There are a couple of agricultural style buildings and a hard standing area on a small area of this land located just outside the south-western corner of the site. There are 2 detached residential properties located south of the site just off Green Lane.
14. The character and appearance of the area is therefore that of quiet, tranquil, open countryside comprised of mainly agricultural land bounded by fences and hedges, with some trees. There are very few buildings, including residential properties, within the vicinity of the site.
15. At the time of my visit the site had fences (between around 1.2-1.5 m high) around its main northern, western, southern, and eastern boundaries, with hedges along the northern, western, and southern boundaries, around the same height at the fences, and mature trees and hedges outside of, and along, the eastern boundary of the site. The trees and hedges running along the eastern boundary of the site are located on the western edge of a Public Right of Way (PROW) that runs from Green Lane past the eastern boundary of the site and beyond.
16. In a nutshell, the proposal would introduce development where there is currently none. I consider the combination of the construction of the toilet/shower/pot wash block building, creation of driveway, caravan hard standing areas and tent pitches, along with use of the site for touring caravans and tents, which would very likely include associated awnings, shelters, and other domestic paraphernalia, would erode the openness of the countryside. The use of the site would also entail traffic movements to and from the site, including vehicles towing caravans and trailers, and motorhomes, and noise would be generated on the site by visitors, which occupiers of neighbouring properties and people passing the site would be very aware of. For these reasons I conclude that the proposal would significantly harm the quiet, tranquil, open, rural character and appearance of the area. Consequently, the proposal does not accord with Policy W10 of the LP.

Effect on the living conditions of occupiers of existing properties

17. There are 2 detached dwellings located within proximity of the southern boundary of the site and very close to the access road off Green Lane that future users of the proposal would use. Campers, caravanners and motorhome users often sit outside of their tents, caravans, and vehicles to eat, drink, socialise and play. The nature of the proposal is such that noise would inevitably be generated within, and emanate from, the site. A noise impact assessment has not been submitted with the proposal. Although I consider noise on site could be managed to a degree, eg via a site management plan that required visitors to be quiet between specified hours, in the absence of any assessment demonstrating otherwise, I consider the proposal would result

in unacceptable levels of noise disturbance to occupiers of the 2 neighbouring houses, especially when sat outside in their gardens.

18. Given that the dwellings are located within a very quiet, tranquil environment, I conclude that the use of the site as proposed would result in unacceptable levels of noise disturbance to occupiers of the existing neighbouring dwellings, thereby having a detrimental effect on their living conditions and well-being. Consequently, the proposal does not accord with policies S11 and SC3 of the LP, which require, among other things, proposals likely to result in noise disturbance to residents to be supported by a relevant assessment, and to ensure the living conditions of occupiers of existing properties are maintained at satisfactory levels.

Effect on wildlife/biodiversity

19. Policy SC9 of the LP requires, among other things, development proposals to seek to conserve and enhance biodiversity and provide net gains where possible.
20. I appreciate that the 'DAS statement' outlines measures to support wildlife and biodiversity. It suggests that a nesting box would be installed on the toilet block, a bird feeder and water table erected near the pot wash area, access holes in the perimeter hedge would be provided to allow hedgehogs to pass through and the proposed planting would include cherry trees to provide berries for winter bird feed.
21. Nevertheless, Policy SC9 requires development proposals to include adequate and proportionate information to enable a proper assessment of the biodiversity implications of the proposal. No relevant assessment has been submitted. As the evidence suggests there may be protected species within the area, such as bats and red kites, and no assessment has been undertaken, I consider there to be insufficient information to demonstrate that the measures outlined in the 'DAS statement' would protect protected species, conserve and enhance biodiversity and provide net gains. Consequently, I am not able to conclude that the proposal would accord with Policy SC9 of the LP.

Other Considerations & Planning Balance

22. The key consideration of the appellant's case is the contention that a Camping and Caravanning Club (CCC) licence has been approved, which allows for use of the land for up to 5 caravans and 10 tents without the need for planning permission. In the opinion of the appellant, the intended use of the site has been approved, and therefore the only aspects of the proposal that should be considered are the gravel drive, hard standings and toilet block.
23. I acknowledge that certain permitted development rights potentially allow for use of the land for camping and caravanning without the need for planning permission. However, my understanding from reading the undated 'Copy of Confirmation Site Certified by Camping and Caravan Club', site ref 120/037, is that the CCC are prepared to issue a Certificate, subject to certain works being completed. Hence, a licence has not been issued and a Certificate will not be issued until the works that are required have been completed. The requirements of the CCC include a chemical disposal point (CPD) and water supplies. These are included in the proposal.

24. Hard standings and toilet/shower blocks are not a requirement of a CCC Certificate. However, such facilities encourage use of the site. In light of all these matters, I have taken account of the proposed gravel drive, hard standings and toilet block facilitating the use of the site as proposed. Additionally, without a CPD and appropriate water supplies, which are included within the proposal, a Certificate would not be issued.
25. Bearing these factors in mind, I attach little weight to the potential of a CCC certificate which would not be issued without aspects of the proposed development being provided. Furthermore, I consider the appraisal of the proposal with regard to its effects on the character and appearance of the area, living conditions of occupiers of existing neighbouring properties and wildlife & biodiversity to be legitimate matters to consider.
26. I have found that the proposal would significantly harm the character and appearance of the area, would have an unacceptable, detrimental effect on the living conditions of existing users, and it has not been demonstrated that protected species would be conserved/protected and/or there would be a net gain in biodiversity. The proposal does not accord with policies SS9, WC3, WC10, S11, SC3, and SC9 of the LP. I consider the other considerations outlined, and policies in the Framework, do not outweigh the harms I have found. I therefore see no reason to conclude other than in accordance with the development plan.

Conclusion

27. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR