



Appeal Decision

Site visit made on 18 July 2023

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Appeal Ref: APP/P2935/W/23/3320157

Bolam Lake Camping, Land to the east of Bolam Lake, Bolam NE20 0HE

- 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 and Mrs David and Jill Fozard against the decision of Northumberland County Council.
 - The application Ref 22/00437/FUL, dated 2 February 2022, was refused by notice dated 3 February 2023.
 - The development proposed is the change of use of land from equestrian grazing use to campsite use.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from equestrian grazing use to campsite use at Bolam Lake Camping, Bolam NE20 0HE in accordance with the terms of the application, Ref 22/00437/FUL, dated 2 February 2022, subject to the conditions set out in the attached schedule.

Applications for costs

2. The appellant has made an application for costs against Northumberland County Council. This application is the subject of a separate decision.

Preliminary Matters

3. I saw at the site visit that the site is currently used as a campsite, I understand that this is as an exempted site by members of the Wanderlust Camping Club and in accordance with permitted development rights set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). I have therefore determined the appeal on this basis.
4. The Northumberland Local Plan 2019-2036 (NLP) was adopted in March 2022, prior to the application being determined but after the application was submitted. The NLP revised the Green Belt boundaries in the area which resulted in the site being included in the Green Belt. It is not at dispute between the parties that the site lies within the Green Belt.

Main Issue

5. The main issue is:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

6. Northumberland Local Plan policies, STP1, STP8 and ECN 16, as far as are relevant to the appeal scheme, and the Framework together identify that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the identified forms includes "(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)" and is therefore relevant to the appeal scheme.
8. The appeal site forms part of the wider landscape, bound by established woodland, the adjacent road and otherwise open to the rolling grassed fields. Although the appeal site is contained by established landscaping, it also has an 'open' nature which is appreciable from within the site and other nearby locations.
9. The Council details that the appeal scheme would create "10no. camping pitches, 10no. designated parking spaces, secure cycle storage, 4no. portaloos, waste collection storage area and associated vehicle movements" and the appellant details that the site would be operational between March and October, this could be controlled by condition.
10. The submitted plans shows the portaloos and waste facilities located to one corner of the appeal site, with the car parking areas near to the access from the road and the camping pitches are shown spread informally across the site.
11. Consequently, the appeal scheme would introduce a use into an open field where such a use only currently exists for a limited period of only 28 days as a result of permitted development rights or as an exempted site for members of the Wanderlust Camping Club. There would, therefore there would be a greater effect by the simple merit of quantum and duration of the proposed use compared to that which currently exists. Nonetheless, the courts¹ have held that openness does not imply freedom from any form of development.
12. I understand that the portaloos, waste collection storage and secure cycle storage would remain on site between March and October, representing a continuous if temporary (being removed in the winter months) presence on site. While tents and cars, shown on the submitted plans as being the greater presence, would occupying the site as amore intermittent or transient presence.
13. Due to the small size, scale and otherwise intermittent nature of the visual intrusions that would occur as a result of the appeal scheme, I consider that under these circumstances the openness of the Green Belt would be preserved.
14. The appeal scheme therefore benefits from the exemption detailed in paragraph 150 of the Framework and as such the appeal scheme is not

¹ R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3

inappropriate development in the Green Belt. As such, the appeal scheme is not contrary to policies Northumberland Local Plan policies STP1, STP8 and ECN 16, as far as relevant to the appeal scheme.

Other Matters

15. The consultation response to the application from the Council's ecology officer identifies that "The site is a large grazing pasture adjacent to the Bolam Lake Local Wildlife Site. The area is recognised as Habitat of Principal Importance Wood Pasture and Parkland with adjacent woodland being Habitat of Principal Importance Deciduous woodland." The presence of veteran trees and protected species is also referred to. Consultation responses from local residents also refers to the site as being within a Biodiversity Action Plan priority area and area of high landscape value.
16. In support of the application, the appellant submitted an 'Ecological Impact Assessment' (EcIA) dated by 28 April 2022 by Tyne Ecology that makes a number of recommendations and concludes that, "if all recommendations are followed, then it is possible for the development to be undertaken without negative impacts on protected/priority species and habitats, while delivering net gains for biodiversity." The recommendations include a perimeter of uncut grass, the planting of native trees, the use of portaloos, concrete slabs for fires and barbeques and the restriction of car parking to the designated area.
17. The Council has provided a list of suggested conditions, should the appeal be allowed, including adherence to the recommendations of the EcIA, and based on the evidence before me I am satisfied that suitably worded conditions could be attached to any planning permission resulting from this appeal and that this would adequately resolve this matter.
18. Responses from local residents also refer to the appeal site and adjacent land as being historic parkland associated with Bolam Hall and consequently as a non-designated heritage asset. I have been provided with a copy of the listing description of Bolam Hall and no mention of surrounding estate parkland is made and while the appeal site forms part of the pleasant surrounding countryside I do not consider that this warrants the identification of the site as part of a non-designated heritage asset and no substantive evidence has been submitted that would lead me to conclude otherwise.
19. Turning to the effect of the appeal scheme on the living conditions of neighbouring residents, the Officers report acknowledges that there is a separation distance of over 350m to the nearest residential property and I am satisfied that, taking account of the scale of the appeal scheme, this distance is sufficient to protect the living conditions of neighbours, particular with regards to noise and disturbance.
20. Also referred to by objectors is the potential increased use and pressure on Bolam Lake Country Park (BLCP), in particular the use of facilities, including out of hours, by residents of the campsite and the misuse of the facilities. On the basis of the submitted plans and subject to appropriate conditions I am satisfied that the appeal scheme will provide appropriate facilities for users of the campsite, for example car parking, toilets and waste disposal. As such, I am satisfied that the appeal scheme will not have an unacceptable impact on the BLCP.

21. Finally, objectors have referenced a number of other appeal decisions, these schemes generally involved a materially greater level of development than proposed here, including the siting of buildings, including shepherd huts and amenity blocks. As such these appeals are not directly comparable to the appeal before me and, in any event, each proposal is judged on its own merits.

Conditions

22. I have considered conditions to be imposed in light of the national Planning Practice Guidance and the use of planning conditions and Paragraph 56 of the Framework. The Council has supplied a list of suggested conditions and the appellant has commented on this, I have taken this into account.
23. I consider that the suggested condition relating to boundary treatment is not necessary, no new boundary treatment is proposed or needed as a result of the appeal scheme. Furthermore, the appeal scheme would not increase surface water run off and as such no related condition is necessary.
24. Furthermore, no lighting is proposed as part of the appeal scheme and therefore the suggested condition requiring the submission of details of such lighting is not necessary, any planning permission for fixed external lighting could be sought in the usual way.
25. In the interests of clarity, I have included a condition to control the life of the permission and the approved plans. Furthermore, I have included a condition limiting the site to a maximum of 10 tents only and limiting the operation of the camp site from March to October in the interests of the environment. Also, in the interests of the environment I have included a condition requiring the removal of the portaloos and other services when the campsite is not open.
26. In the interests of the environment, I have included a condition to require the implementation of the mitigation and enhancement measures detailed in the EcIA, these are wide ranging and includes restricting car parking and camping to designated areas shown on the submitted plans, providing concrete slabs for barbeques, and biodiversity improvements. For the same reason I have included conditions requiring submission of a detailed landscaping management plan, the delineation of the car parking area and provision of the cycle parking.
27. In the interests of highway safety, I have included a condition requiring the upgrading of the existing access as indicated by the submitted plans.

Conclusion

28. For the reasons given I conclude that the appeal should succeed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

- 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: 22-14-01 – Site Location Plan; 22-14-03 Revision D – PROPOSED Site Block Plan.
- 3) This permission relates to the use of the land as a tented campsite only and that shall operate with up to a maximum of 10 pitches in total. The campsite shall only operate and be open for occupation between 1 March and 31 October in any calendar year and shall be occupied for holiday purposes only.

The owners/occupiers shall maintain an up-to-date register of the names of all owners/occupiers of individual pitches on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

- 4) All portaloos, temporary structures and temporary services shall be removed from the site during the period when the site is not open and available for occupation as set out within condition 3 of this permission.
- 5) No development shall take place unless in accordance with the mitigation and enhancement measures detailed in the report Ecological Impact Assessment (EcIA) Land North of Bolam Lake Boat House, Northumberland, NE20 0HE Tyne Ecology, April 2022, and as shown on the Proposed Site Block Plan DWG 22-14-03 Rev D.
- 6) Notwithstanding the submitted details, a detailed landscaping and management plan shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of development. This shall include for all new planting to be locally native trees and species from local stock and locally sourced wildflower seed and detailed tree protection measures.

The development shall thereafter be implemented and maintained fully in accordance with the approved scheme and within timescales to be agreed as part of the submitted details.

- 7) The development shall not be occupied until the car parking area indicated on the approved plans has been delineated in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.
- 8) The development shall not be brought into use until the full details of the vehicular access works required (to be in accordance with Northumberland County Council's construction standards) have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

- 9) Notwithstanding the details submitted with the application, the development shall not be brought into use until the proposed cycle parking has been implemented in accordance with further details that shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking shall be made retained in accordance with the approved details whilst the site is in operation and shall be kept available for the parking of cycles at all times. Any structures shall be removed from the site during the period when the site is not open and available for occupation as set out within condition 3 of this permission.

End of Schedule