



Appeal Decision

Site visit made on 1 August 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/R0660/W/23/3317162

Sevenoaks, Hearn's Lane, Faddiley CW5 8JL

- 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 Wetton against the decision of Cheshire East Council.
 - The application Ref 21/6250N, dated 7 December 2021, was refused by notice dated 6 September 2022.
 - The development proposed is the use of land for the siting of 4 no. new holiday lodges, the conversion of an existing building to a holiday lodge, and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for the siting of 4 no. new holiday lodges, the conversion of an existing building to a holiday lodge, and ancillary works at Sevenoaks, Hearn's Lane, Faddiley CW5 8JL in accordance with the terms of the application, Ref 21/6250N, dated 7 December 2021, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is whether the appeal site is suitable for new tourist accommodation.

Reasons

3. The appeal site is within a countryside location outside of any settlements, it is set off a narrow lane serving sporadic residential and agricultural development. The appeal site itself contains a large pond with an island. There are a number of existing timber buildings on site. The proposal would convert the site to visitor accommodation provided in varied wooden cabins set around the pond and on the island.
4. The Council's development plan, largely through Policies PG6, SD1 and EG4 of the Local Plan Strategy (the LPS) and Policy RUR 8 of the Site Allocations and Development Policies Document (the SADPD), directs tourist accommodation primarily towards specific settlements. However, and subject to certain requirements, the plan also supports tourist accommodation outside of Principal Towns and Key Service Centres. Amongst other requirements, it must be demonstrated that the accommodation is required in conjunction with particular countryside attractions and can't be met by nearby settlements because the type of accommodation is intrinsically linked with the countryside.
5. Whilst accommodation may be available in Nantwich and Wrenbury, it has not been demonstrated that this would be comparable with that before me. The proposal, as set out above, includes spaciouly set wooden cabins providing a

'glamping' style of accommodation. Given the nature of the site, its surroundings and the proposed accommodation, it would only be suitable for a rural location. I note that the Council have found similarly in this regard. In considering this appeal, I am also mindful of the comments received from the Visitor Economy Manager who has identified that Cheshire East has a lack of 'glamping' style accommodation which the proposal would comprise.

6. I note from the submissions before me that the proposal would not be directly related to named attractions such as the Cholmondeley Castle and that access to these may not be possible by more sustainable modes of transport. However, although Policy EG4 requires developments to be related to particular countryside attractions, it is silent on what it considers these to be. In this case the appellant has set out how the site would be well related to public rights of way, routes on the national cycle network and the Llangollen canal. Walking, cycling and making use of waterways are all, in my mind, attractions to the countryside. The appellant has also in this way referred to particular attractions, rather referring more broadly to the opportunities of the countryside in general.
7. I recognise that walking along narrow and winding country lanes can be somewhat unsafe and unattractive. However, the use of these lanes to connect between public rights of way during countryside walks is not atypical and visitors would be aware of the potential need and risks associated. I find the same to be true for cycling. Moreover, I understand that there is a bus stop near the site which can be reached via the public rights of way network.
8. Given the appeal site's rural location, it is likely that there will be some journeys, to reach services and facilities, that are carried out by private motor vehicles. I find that tourists having some reliance on private motor vehicles to reach attractions, hospitality or shops is to be expected outside of larger settlements such as towns and cities. The proposal would, however, provide immediate access to tourist attractions and is near a bus stop as outlined above. I find that this has the potential to reduce the number of journeys by private motor vehicles, and the associated carbon emissions, and that future occupiers would not be unacceptably reliant on them.
9. Alongside the requirements considered above, LPS Policy EG4 also requires that tourist development outside of Principal Towns and Key Service Centres do not result in harm to character and appearance or the living conditions of neighbouring occupiers. I note concerns raised by interest parties and so I have considered these here.
10. The proposal is a small scheme within an area that is visually discrete from its wider rural setting. The proposed buildings would be fairly simple and retiring in appearance and overall commensurate with the scale of the site. Consequently, I find that the scale, design and use is compatible with the wider landscape and would not detract from the character or appearance of the area.
11. It is very unlikely, given the nature of the accommodation and the location of the scheme, that the proposal would attract parties or other particularly noisy guests. Given this, and the distance between the neighbouring dwelling and the proposed cabins, I find that any noise would be akin to that generated by a large domestic garden and would not be unacceptable. Moreover, I understand that the site is currently lit at night. Whilst this may be disruptive to

neighbours, it is an existing situation. The proposal would therefore not be detrimental to the amenities of residential neighbours.

12. I note concerns from interested parties that the proposal is not for outdoor recreation itself. However, the development plan is clear that tourist accommodation can also be acceptable, as set out above. Moreover, the plan does not set out any requirement for a business plan to be provided in support of a scheme.
13. The appeal site would be suitable for the proposal in accordance with the Council's spatial strategy for the new tourist accommodation. It would therefore comply with LPS Policies PG6, SD1 and EG4, including points 3.ii.a-d, SADPD Policies ENV3, ENV5 and RUR8. Alongside the points outlined above, these policies require that developments provide access to walking, cycling and public transport options with an aim to reducing carbon emissions. They also seek proposals to meet an identified need for accommodation and to not adversely affect the character and appearance of the surrounding area, or the living conditions of neighbouring occupiers.

Other Matters

14. The appellant has submitted a Preliminary Ecological Appraisal by Answer Ecology. Whilst I note the concerns raised, the appraisal suitably covers the context of the site and its surroundings as well as justifying why it considers there would be no adverse impacts on protected species, including great crested newts. I find that in line with the conditions set out below, there would be no unacceptable impact on biodiversity or protected species on site.
15. Although the proposal may result in an increase in vehicular movements along Hearn's Lane, given the small scale of the development, I do not find this to be so significant as to result in any unacceptable risk to highway safety or to damage the highway itself.
16. Whilst it has been suggested that the pond results in flooding, including across Hearn's Lane, I have only been provided with anecdotal reports. I note an overflow pipe leading to an adjoining field and the development is small in scale. I consequently do not find that the proposal would result in any unacceptable increase in flood risk on or around the site. It has also been suggested that the land is contaminated by rubbish pits buried under the appeal site. However, no substantive evidence has been provided to demonstrate this is the case. Moreover, I have no reason to believe that the septic tank would not be installed correctly or that it would lead to any contamination.

Conditions

17. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
18. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.

19. I have imposed a condition requiring the provision of an electric vehicle charging point to ensure the proposal supports and encourages the use of ultra-low emission vehicles in accordance with national policies.
20. In the interests of protecting roosting birds and supporting biodiversity enhancements on site, I have attached conditions controlling when development works can be carried out and requiring the submission of a biodiversity enhancement scheme.
21. To ensure that the proposal is not used for permanent accommodation, given its rural location, I have attached a condition restricting the proposed accommodation to temporary use only.
22. A condition requiring materials to be as shown on the approved plans is not necessary as this is already covered by the condition requiring the development to be carried out in accordance with the approved plans. Moreover, given the small scale and short-lived nature of the development works, it would be overly onerous to attach a condition requiring the submission of a development management plan.

Conclusion

23. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

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: E-LP001 rev A, SP001 rev C, PA-001, PA-002, PA-003 rev A, PA-004,
- 3) A Mode 3 compliant electric vehicle charging point shall be provided prior to the first use of the development hereby permitted. This charging point shall be capable of a minimum of 7kW fast charging, or the best available given the electrical infrastructure. The infrastructure shall be maintained and operational in perpetuity.
- 4) No removal of any vegetation or demolition, or conversion, of any buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree, scrub or other habitat to be affected, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any works within the exclusion zone take place.

- 5) Prior to the use of any building materials in association with the development hereby permitted, a strategy for the incorporation of features to enhance the biodiversity value of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include proposals for the provision of features for nesting birds and roosting bats (any external lighting shall avoid direct light spill upon bat roost features), and native species planting. The proposals shall be permanently installed in accordance with the approved details.
- 6) The holiday accommodation hereby permitted shall be used only for holiday accommodation. Holiday purposes shall be taken to mean letting to persons not as their sole and permanent residence, for periods not exceeding 28 days at a time.