



Appeal Decision

Hearing held on 18 July 2023

Site visits made on 17 and 18 July 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/V0510/W/23/3320737

Riverside Park, 21 New River Bank, Littleport, Cambridgeshire CB7 4TA

- 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 Riverside Caravan Park against the decision of East Cambridgeshire District Council.
 - The application Ref 22/00736/FUL, dated 16 June 2022, was refused by notice dated 27 October 2022.
 - The development proposed is change of use of land for the siting of up to 10 holiday lodges with associated ancillary development including parking, landscaping and drainage.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the siting of up to ten holiday lodges with associated ancillary development including parking, landscaping and drainage at Riverside Park, 21 New River Bank, Littleport, CB7 4TA in accordance with the terms of the application, Ref 22/00736/FUL, dated 16 June 2022, and subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - whether the need for the proposal is justified, in accordance with relevant development plan policies, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located in the countryside, close to, but outside of, the town of Littleport. The proposed development would involve an extension to the existing caravan site at Riverside Park, to provide up to ten holiday lodges. The extension would make use of part of a field to the side of the caravan site, which was formerly used for growing potatoes but has since been subdivided. The submitted plans show how the units could be provided on the site, with space for parking and landscaping.
4. Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 (Local Plan) sets out the locational strategy for the district. To protect the countryside and the setting of towns and villages, development outside the defined development envelopes is strictly controlled. As an exception, tourist accommodation may be permitted in the countryside, provided that it would comply with other Local

Plan policies and would have no significant adverse impact on the character of the area.

5. The Local Plan recognises that the district is an attractive destination for overnight stays, and paragraph 5.9.1 notes that there is a general need for additional tourist accommodation, particularly within the hotel, caravan and camping sectors. Detailed requirements for tourist accommodation development are set out in Policy EMP8, which supports proposals for new or extended caravan-lodge sites, subject to a number criteria. Amongst other considerations, the policy requires that the need for the additional accommodation can be justified, and that there is no significant adverse effect on the character and appearance of the area.

Need for the proposal

6. The Littleport Masterplan 2011 informed preparation of the Local Plan and whilst it does not form part of the adopted development plan, is a material consideration in this appeal. The Masterplan sets out aspirations to support the local economy, boost the town centre and enhance Littleport's tourism offer to attract additional visitors to the town. The potential of the riverside area to enhance tourism is identified within the Masterplan.
7. The appeal site is well related to the settlement boundary of Littleport, as required by the second criteria of Policy EMP8. The site is within easy reach of the town, river and local footpaths, so occupiers of the proposed accommodation would be able to make use of local facilities, and easily explore the surrounding rural landscape. Additional holiday accommodation here could have benefits for local businesses and help support local services in Littleport.
8. In support of their proposal, the appellant has submitted a Holiday Accommodation Needs and Economic Benefits Report (Needs and Benefits Report). This identifies that there are around 18 sites providing camping and caravanning holidays within 10 miles of the site, of which 6 provide self-catering holiday lodge style accommodation of the kind proposed. A survey of those providers, carried out as part of the Needs and Benefits Report, suggests that the nearby sites had a relatively small number of static caravan/lodge type accommodation. Owing to commercial sensitivities, the information provided by other sites was limited, but the responses received suggest that there is a steady and increasing demand for the type of accommodation proposed, with some nearby sites considering expanding their offer of holiday lodges.
9. Taking into account the above considerations, I am satisfied that, in general terms, the need for additional holiday accommodation in this location can be justified, and the Council has raised no concerns in this regard. However, there is disagreement as to whether the need for the additional accommodation can be justified in this particular case, given the existing site history.
10. Riverside Park was initially established as a site for touring caravans in the 1980s, but over time it has changed to what is now predominately a residential park home site. The number of static caravans on the site has incrementally increased, and through a certificate of lawfulness of existing use (reference 21/008822/CLE) their unrestricted, year-round occupation has been established. The appellant has confirmed that, of the 49 units, just seven are currently used as holiday accommodation, with the remaining units in permanent residential use.

11. This shift away from holiday use has raised concerns as to whether the proposed use would be viable. However, at the hearing, the appellant explained that, when they inherited the site in around 2016, there was already a considerable amount of residential use on the site, and that the earlier move to residential use may well have been facilitated by within a planning permission context which was less restrictive in relation to holiday accommodation than would be imposed now.
12. The residential use of the existing site is now well established, but this does not necessarily indicate that there is no demand or justification for holiday accommodation here. Indeed, the evidence provided in the Needs and Benefits report suggests that there is currently demand for holiday accommodation of the type proposed in this area, and that this demand is anticipated to continue into the future.
13. The Council has indicated that a number of the existing units are on the market. Sales information indicates that they are being marketed as park homes or mobile homes, rather than being targeted as holiday accommodation. However, as they are in private ownership, the site owner has limited control over their resale to other individuals, or their existing or future use. The appellant could buy the units back to use for holiday accommodation, but given the established, legal use of the site for permanent occupation, there is little incentive for them to do so.
14. The appellant confirmed at the hearing that the proposed lodges would be owned by Riverside Park and would be rented out by them. In this way, this part of the site would be operated as a purely holiday business, rather than the units being sold privately, as has previously happened on the existing part of the site. As such, the proposal would effectively represent a diversification of the existing business, in a location which is appropriate for tourist accommodation.
15. I note the Council's concerns that there could be pressure to use the proposed units for unencumbered residential use, were the site to become unviable in future. I agree that permanent residential use would not be acceptable here, as it would not comply with the Council's development strategy and would also raise concerns regarding flood risk. However, to meet the requirements of Local Plan Policy EMP9, any grant of planning permission for holiday accommodation would need to be subject to occupancy conditions. Removal of such conditions would require specific consent, so the Council would be able to exert control over any such change.
16. Given the above considerations, I am satisfied that the need for the proposed change of use can be justified. The proposal therefore meets the requirements for tourist accommodation set out in Local Plan Policy EMP8.

Character and appearance

17. The countryside in this area is a flat, fenland landscape. Outside the town of Littleport, the wider landscape is rural and undeveloped, with little evidence of built form. Wide, open vistas across the surrounding agricultural land are interrupted only by sparse groups of trees, lines of pylons and telegraph wires. However, the appeal site is close to the edge of the town, and built form of Littleport can be seen from New River Bank road where it passes the appeal site.

18. Although separated from the edge of the town by the road and River Great Ouse, the appeal site is not isolated. Rather, it forms part of a cluster of existing built form on this side of the road, comprising the existing caravan park, and domestic and agricultural buildings associated with the immediately adjacent Petters Lot Farm.
19. The appeal site is located to the rear of an agricultural yard, which itself is set back from the road behind a domestic dwelling. There is an existing sizeable agricultural building on the site, and another, similarly sized building on the yard just in front. Screening provided by these buildings, along with existing trees and vegetation, would mean that, even raised up above ground level as proposed, the additional lodges would not be readily visible from the road.
20. The footpath along the River Great Ouse embankment is markedly higher than the road level. However, even from this raised vantage point, the proposed development would not be particularly noticeable or prominent, with views significantly screened by the intervening buildings and vegetation. Where it could be seen in glimpse views, the development would be viewed in the context of existing buildings to the front. As such, it would not appear isolated in relation to the surrounding development.
21. The adjacent agricultural yard is largely open, with outdoor storage of materials. I note the Council's concerns that the proposed development would sit awkwardly within the yard, but when viewed from the road, the farmyard would still appear open, with agricultural land clearly visible behind. The appeal site, to the side of the yard, would not be an obvious feature, as it would be largely screened by the existing large buildings. From the surrounding footpaths, the site is sufficiently far away that the relationship with the farmyard would not be easy to discern, and would not appear discordant.
22. A public footpath passes along Hawkins Drove to the north of Riverside Park, then turns to follow the edge of a large field, to the east of the site. The existing caravan park can be seen across the field, but it is a considerable distance away, and the line of tall trees along the site boundary provides effective screening. The proposed extension would project further to the east than the existing site by around 50m, following the existing field pattern. Although the topography here is very flat, there is sufficient distance between the site and the public footpath that the additional projection, which would be seen across the large field, would not be particularly noticeable, and would not read as a significant incursion into the countryside.
23. As is the case for the existing caravan site at Riverside Park, the visual impact of the development would be further reduced by the proposed landscaping around the site boundaries. The existing leylandii trees, which have been planted along the site boundaries, have already reached several metres in height, and if left to grow would provide effective year-round screening for the proposed extension. However, the trees, which could potentially grow very tall, are not a native species and are not characteristic of this location. The submitted landscaping plan shows a new mixed species native hedge along the northern and southern boundaries, which would be more appropriate here, although would take longer to provide the same amount of screening. Full details of such new and replacement planting could be secured through a landscaping condition.

24. The detailed design of the lodges has not been provided, but the appellant has stated that the buildings would be similar to those on the existing site. Given the surrounding context, with two caravan sites nearby, such buildings would not be an unexpected form of development here.
25. In light of the above considerations, I conclude that the effect of the proposal on the character and appearance of the area would be acceptable. The proposal is consistent with the requirements for protecting and conserving landscape and settlement character, contained in Local Plan Policy ENV1, and the design requirements contained in Policy ENV2. As it would not have a significant adverse impact on the character and appearance of the area or natural assets, the proposal would also comply with the requirements for tourist accommodation set out in Policy EMP8.

Other Matters

Flood risk

26. The appeal site is within Flood Zone 3a. The submitted Flood Risk Assessment (FRA) indicates that the site is defended against the most extreme fluvial flood event, and that the defences are well maintained. However, in the event of a breach in the flood defences, there is a residual risk of flooding, which could be significant. As such, the proposal must pass the sequential test and exception test if it is to be acceptable.
27. The proposal represents a change in focus at Riverside Park, but in light of discussions at the hearing I am satisfied that it would form part of the same business, for the reasons given above. As it would be impractical to locate the proposed extension elsewhere, I am satisfied that the sequential test is met.
28. In order to pass the exception test, paragraph 164 of the National Planning Policy Framework (the Framework) requires that the development would provide wider sustainability benefits to the community that outweigh the flood risk. In this case, the proposed holiday accommodation would benefit the local economy, as occupiers would be likely to be make use of local shops, food outlets and leisure facilities.
29. The FRA sets out flood mitigation measures to safeguard occupiers of the site in the event of a breach in flood defences. This includes registering the site with the Environment Agency's Flood Warning Service; putting in place a Flood Warning and Evacuation Plan, and raising the proposed units by 500-750mm above surrounding ground levels. With these measures in place, I am satisfied that the residual risk of flooding would not cause an unacceptable risk to safety. At the hearing, the Council suggested a further condition requiring that the units be anchored to the ground, and I agree that this would provide a further safeguard for public safety in the event of a significant flood event.
30. The proposed surface water drainage strategy sets out how the proposed development would be managed to ensure that it does not increase flood risk for the proposed or existing development. Subject to a minor revision to the scheme to meet the requirements of the Lead Local Flood Authority, which could be secured via a condition, the proposed strategy is acceptable.
31. With the above measures in place, the exception test is met.

Effect on biodiversity

32. The site is located within the Swan and Goose Impact Risk Zone for the Ouse Washes Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. I have a statutory duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to consider the potential impacts on the European site in the determination of the appeal.
33. The proposed development would involve the loss of a small area of former arable land, adjacent to the existing caravan park and agricultural yard. The proximity of neighbouring uses, including the road and residential properties, means that the site and adjacent fields are likely to be subject to noise and visual disturbance. The area has little potential to be used by foraging or roosting geese and swans, so any disturbance to these species resulting from the proposed development is likely to be minimal.
34. Having regard to the information provided in the Natural Environment Supplementary Planning Document, the conclusions of the submitted Ecological Appraisal and the views of the Council's ecological consultant, I am satisfied that the proposal would be unlikely to cause significant effects on the Ouse Washes SPA/SAC/Ramsar site. It is therefore unnecessary for me to consider this matter any further.

Conditions

35. An agreed list of conditions has been provided by the parties. I have imposed the suggested conditions with minor wording changes to improve clarity and to reflect the discussion at the hearing.
36. In addition to the standard implementation and plans conditions, a condition restricting the number of caravans on the site is needed to safeguard the character and appearance of the area. A condition requiring submission and approval of details of any external lighting is required for a similar reason.
37. I have imposed a condition restricting use to of the proposed units to holiday accommodation only, and requiring a register of occupation to be maintained. This is necessary to ensure that the units are not used for permanent residential use, which would be unacceptable in this countryside location and would raise additional concerns in relation to flood risk. I have used wording contained in Local Plan Policy EMP9, which sets out the Council's approach to holiday and seasonal occupancy conditions.
38. A condition requiring details of soft landscaping to be submitted, approved and implemented is necessary in the interests of visual amenity and enhancing biodiversity.
39. Local Plan Policy ENV7 requires all development proposals to protect biodiversity, and to maximise opportunities for creation, enhancement and connection of natural habitats. To comply with this policy, a condition is necessary which requires the submission and implementation of a scheme of biodiversity enhancements, in accordance with the submitted Biodiversity Net Gain Assessment. I have made minor wording changes to the suggested condition in the interests of enforceability.
40. Given the previous agricultural use of the site, there could be contamination which has not previously been identified. To safeguard the surrounding natural

environment and the safety of workers, neighbours and occupiers, I have imposed a condition setting out the actions to be taken in the event that previously unrecorded contamination is found.

41. As described above, conditions are necessary requiring the implementation of appropriate flood resilience and mitigation measures, in the interests of public safety and the protection of the environment.
42. A condition requiring details of foul drainage management to be submitted and implemented is required to safeguard the quality of the environment and nearby water courses. In relation to surface water drainage, the submitted scheme is largely acceptable, but to meet the requirements of the Local Lead Flood Authority, a condition is necessary which requires the submission of further details prior to the implementation of the scheme.

Conclusion

43. For the reasons set out above, I have found that the need for the proposed change of use can be justified, and the effect on the character and appearance of the area would be acceptable. The proposal complies with the development plan and the Framework, and no other considerations outweigh this finding. The appeal is therefore allowed subject to the attached conditions.

R Morgan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thomas Murphy – Riverside Park
Nick Laister – Agent
Bob Neville – Agent

FOR THE LOCAL PLANNING AUTHORITY:

Gavin Taylor – East Cambridgeshire District Council

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:
 - Location plan – 8751-B
 - Site Layout Plan – P214C16_13_REV B
 - Flood Risk Assessment and Appendices (RPS May 2022)
 - Flood Warning and Evacuation Plan (RPS April 2022)
 - Conceptual Drainage Strategy Rev E – HLEF82463
 - Ecological Appraisal (RPS February 2022)
 - Biodiversity Net Gain Assessment - ECO02272 (RPS May 2022)
- 3) No more than ten caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed on the site at any time.
- 4) The accommodation hereby permitted shall be occupied for holiday purposes only and shall not be occupied as any person's sole or main residence.

The owners/operators of the site shall maintain an up-to-date register of lettings/occupation showing the names and home addresses of all occupiers, where they are registered for Council tax and electoral purposes, and showing arrival and departure dates. The site owner/occupier shall undertake a monthly management check of the register, and be prepared to make the register available at all reasonable times to the local planning authority.

- 5) No external lighting shall be installed on the site except in accordance with details which have first been submitted to, and approved in writing by, the local planning authority.
- 6) Prior to first occupation or commencement of use a full schedule of all soft landscaping works shall be submitted to and approved in writing by the local planning authority. The schedule shall provide for:
 - details of all existing trees and hedgerows on the land, indicating any to be retained and setting out measures for their protection throughout the course of development,
 - planting plans and a written specification of plants including species, plant sizes and proposed numbers/densities, and
 - a detailed implementation programme and long-term management plan.

The works shall be carried out in accordance with the approved implementation programme and maintained throughout the lifetime of the development, in accordance with the management plan.

- 7) Prior to the first occupation of the development, a scheme of biodiversity enhancements shall be submitted to and agreed in writing by the local planning authority. The scheme shall reflect the contents of the approved Biodiversity Net Gain Assessment, and shall include a timeframe for implementation. The biodiversity enhancements shall be implemented in

accordance with the agreed scheme and thereafter maintained throughout the lifetime of the development.

- 8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported to the local planning authority within 48 hours. No further works shall take place until an investigation and risk assessment have been undertaken, submitted to and approved in writing by, the local planning authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. The necessary remediation works shall be undertaken, and following completion of the work a verification report must be prepared, and approved in writing by the local planning authority.
- 9) Prior to first occupation of the development, the flood risk mitigation measures set out within the approved Flood Risk Assessment (ref HLEF82463/002) and Flood Warning and Evacuation Plan shall be implemented in full. In addition, the units shall be securely anchored to the ground. The flood risk mitigation measures shall be maintained thereafter throughout the lifetime of the development.
- 10) Notwithstanding the details submitted, the site shall not be occupied until a scheme of foul drainage management has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation and thereafter maintained as such.
- 11) Notwithstanding the details submitted, the site shall not be occupied until full details of the proposed hydrobrake outfall control and/or perforated riser serving the surface water drainage system has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved surface water drainage scheme prior to first occupation and thereafter maintained as such.