
Appeal Decision

Site visit made on 31 August 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/Y3940/W/23/3315601

Plough Land Caravan Site, Plough Lane, Kington Langley SN15 5PS

- 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 Trimmager Ltd against the decision of Wiltshire Council.
 - The application Ref PL/2021/06167, dated 16 June 2021, was refused by notice dated 7 December 2022.
 - The development proposed is Use of site for stationing of 44 statics for holiday purposes.
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Decision

1. The appeal is allowed and planning permission is granted for Use of site for stationing of 44 statics for holiday purposes at Plough Land Caravan Site, Plough Lane, Kington Langley SN15 5PS in accordance with the terms of the application, Ref PL/2021/06167, dated 16 June 2021, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposed development would provide a suitable location for the proposal, having regard to the effect on the character and appearance of the area and accessibility to adequate facilities and infrastructure; and
 - whether surface water from the development site would be adequately dealt with.

Reasons

Suitable Location

3. The appeal site is Plough Lane Caravan Site, an existing touring caravan site situated along Plough Lane on the periphery of the village of Kington Langley. The existing site provides approximately 50 hardstanding pitches, with a facilities building situated in the middle of the site. The south-western corner of the site is currently not used for caravan pitches and is currently maintained grassland. However, it is seen in the context of the existing caravan site. The site is well enclosed with mature vegetation along the majority of the site's boundaries. The existing access is a single track running south off Plough Lane.
4. The existing caravan pitches are set out in a very formal manner, with well-kept landscaping in between the regular gravelled parking areas. The existing tourist business contributes towards the mixed character of the area, which forms part of the landscape setting of the village of Kington Langley, alongside

the residential properties which lie on the northern side of Plough Lane. The landscape character and setting of the village is also heavily influenced by the A350 that runs to the west and is the main link road between the M4 and Chippenham. The noise of the A350 is clearly audible from the caravan site. The appeal site is located approximately 600m from the northern boundary of Chippenham, which is identified in the Wiltshire Core Strategy (Core Strategy) (adopted 2015) as a 'principal settlement', providing a wide variety of services and facilities.

5. The proposed use of the site for the stationing of the statics would be materially similar to that of the existing tourism business. Therefore, the use of the appeal site for the proposal would be compatible with the existing character of the area and the wider landscape setting of the village.
6. It is acknowledged that the current touring caravans are transitional and are only open 11 out of the 12 months of the year. However, whilst the introduction of the permanent statics on the appeal site, in use for 12 months a year, would change the appearance of the area, it is not considered that this would be to such a degree that this would be materially harmful. The spacing of the 44 statics would be similar to the spacing of the existing touring caravan pitches, with large areas of landscaping retained throughout the site. My site visit confirmed that the size of the touring caravans can vary but some can be quite sizeable. The proposed static caravans would be single storey, low level buildings, measuring 2.6m in height. They would be finished in timber cladding. I consider that the siting, design and scale of the proposal would not detract from the character of the settlement or its landscape setting.
7. The vegetation which encloses the site would help to mitigate any impact on the landscape character of the area. The site would be well enclosed due to the existing established vegetation which would ensure that the limited views in to and out of the site are retained. Whilst it is acknowledged that no landscape or visual assessment was submitted, it is considered that, in these circumstances, a suitably worded condition for a landscape management plan to be submitted would ensure the retention and management of the established vegetation in the long term. A further condition would also require details of any additional landscaping and planting to be introduced on the site. Consequently, the proposal would be respectful of the landscape setting and would not detract from the character or appearance of the landscape.
8. Whilst the proposal would introduce static caravans on the parcel of land currently not used for caravan pitches, this part of the site, like the rest of the appeal site, is well enclosed and currently forms a close relationship with the wider caravan site. The mature vegetation would ensure that any views from the A350 would be limited, whilst also ensuring that the proposal would not be any more prominent in the landscape than the existing use.
9. The proposal would be served by an adequate access. It is a relatively short access track which would give people entering or exiting the site sufficient time to wait in the unlikely event another car is travelling in the opposite direction. The number of vehicular movements would be similar to the current situation and there would be less movements of towing caravans once it was operating which would be an improvement on the existing situation.
10. Kington Langley itself is designated as a small village and the Core Strategy confirms that small villages 'have a low level of services and facilities, and few

employment opportunities'. Therefore, it is acknowledged that future occupants of the static caravans would have to travel to Chippenham for the majority of services and facilities. However, given its proximity to Chippenham, there would be reasonable access along the A350 to access these local services and a local employment base. Therefore, the proposal would be supported by adequate facilities and infrastructure.

11. Therefore, for the above reasons, the proposed development would provide a suitable location for the proposal. The development would not harm the character and appearance of the area and would have accessibility to adequate facilities and infrastructure. The proposal would be in accordance with Policies CP39, CP51 (ii) and CP57 (i) and (iii) of the Core Strategy, which, in combination, requires tourist development to be of a scale, design and use compatible with its wider landscape setting and not detract from the character or appearance of the landscape, to be served by adequate access and infrastructure and to have reasonable access to local services and a local employment base.
12. These policies also require development to conserve and where possible enhance the locally distinctive landscape character, including the locally distinctive character of settlements and their landscape settings, and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Development should also relate positively to existing landscape features and setting and the existing pattern of development by ensuring that important views in to and out of the site are retained and enhanced.

Surface Water Drainage

13. The existing caravan site lies within Flood Zone 1. I note that the site is not within 250m of any historic flooding, that it is not at risk from surface water flooding during the 1 in 100 year event, and that the site is not located close to a watercourse.
14. The Council's Drainage Engineer objected to the proposed Sustainable Drainage Strategy prepared by the appellant. This was on the basis that the proposed discharge rate of 5 l/s/ha would be a significant increase on the existing discharge rates. Furthermore, the Council were concerned that the proposed surface water system had not been tested for 1 in 1, 1 in 10, 1 in 30, 1 in 100 and 1 in 100 plus climate change. Therefore, the Council concluded that it would be impossible to establish if the site would result in flooding.
15. Whilst the concerns of the Councils' Drainage Engineer are noted, I consider that in these circumstances, given the existing use of the site and limited drainage and flood site constraints, a suitable scheme would be able to be achieved. There is no evidence to suggest that the proposed development would exacerbate existing flood risk and it is not the role of new development to resolve any existing local issues. I also note that the appellants Flood Risk Assessment and Sustainable Drainage Strategy¹ concludes that the peak surface water discharge would be reduced to 2 l/s/ha for all storm events up to and including the 1in100 plus climate change. Core Policy 67 of the Core Strategy also recognises that in some circumstances, site or environmental

¹ Prepared by Shaw Savage Limited, dated 3rd May 2022

conditions mean that this sometimes makes the Council's preferred measures unsuitable.

16. Consequently, subject to a suitably worded planning condition which would require a drainage scheme to be agreed with the Council prior to development taking place, surface water from the development site would be adequately dealt with. Details such as a plan showing where each of the trial pits were dug, as well as a maintenance and operation plan can also be submitted as part of this condition.
17. The proposal would therefore be in accordance with Core Policy CP67 of the Core Strategy which states that new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

Other Matters

18. I note the concerns raised by local residents and the Parish Council that the proposal is likely to be used as regular accommodation, akin to a permanent residence, by their owners. However, in order to prevent permanent occupation of the units as year round dwellings, I have imposed conditions pertaining to non-permanent occupancy and the requirement for a register of occupiers to be available for inspection. It should be noted that a separate planning permission would be required to occupy or use the caravans as permanent residential dwellings.
19. The land ownership of part of the access road to the site has been disputed. However, no evidence has been provided to demonstrate that any alleged problems regarding land ownership could prevent the development from being carried out. In any event, the access arrangements are the same as those which serve the existing caravan site. Therefore, I can only attach limited weight to these concerns.
20. The use of the site, whilst it would now be used for 12 months a year, as opposed to 11 months that the existing caravan site operates, the level of noise and light created by the proposal would be similar. Consequently, the proposal would not harm the living conditions of the occupants of any nearby dwellings.
21. The Parish Council have recommended a number of conditions. Whilst a few of these are similar to those suggested by the Council, the majority would not satisfy the 6 tests, as set out in the Planning Practice Guidance (PPG), so could not be attached.

Conditions

22. The Council have suggested 16 conditions. I have assessed these in light of the advice provided in the PPG and have amended them as necessary.
23. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.

24. Limited information has been submitted regarding the external finishes of the static caravans. Therefore, it is necessary, in the interests of the character and appearance of the area, to require confirmation of the external materials to be used. As already alluded to, conditions requiring full details of hard and soft landscaping to be submitted, as well as a landscape management plan are both necessary in the interests of the character and appearance of the area. I have amended the former condition slightly for clarity purposes.
25. A condition requiring details of the provision of sufficient parking and turning spaces for the proposed static caravans and site staff to be submitted and completed is considered necessary to ensure that there are adequate parking facilities to serve the development in the interests of highway safety. I have amended it slightly for clarity purposes.
26. In the interests of the living conditions of the occupants of the neighbouring dwellings and highway safety, a condition requiring a construction management and method statement is considered necessary. I have amended it to include the requirement for a pre-condition survey of the highway to be carried out, which the Council suggested as a separate condition. Whilst the appellant has queried the requirement for this, I do consider a pre-condition survey is both necessary and reasonable due to the nature of the surrounding roads and the size of the static caravans that would be delivered to the site. A condition restricting the hours of construction and demolition is also considered reasonable and necessary to ensure the living conditions of the occupants of nearby properties are not harmed.
27. A condition restricting any further external lighting is considered necessary in the interests of the character and appearance of the area and the living conditions of nearby residents. The tailpiece phrase has been deleted in order to ensure that additional external lighting is not introduced without the occupants of neighbouring properties being consulted.
28. In the interests of the character and appearance of the area, it is considered necessary to remove permitted development rights. The tailpiece phrase has again been removed. Further details of the storage and collection of refuse and recycling are also considered necessary in the interests of public health and safety. Details of the works for the disposal of sewerage are considered both reasonable and necessary so that there is not an increase in the risk of flooding, or a risk to public health or the environment.
29. Finally, as already alluded to above, conditions are considered both reasonable and necessary to secure a scheme for the discharge of surface water, to ensure that the site would be adequately drained, as well as conditions to ensure that the development would not be permanently occupied and for up-to date registers of all owners/occupiers be kept, ensuring the proposal would not be used for permanent residential accommodation.

Conclusion

30. For the reasons set out above, the appeal should therefore be allowed.

Laura Cuthbert

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:
 - The site location plan
 - Site plan - P208C16R Rev B
 - 50' x 20' lodge details - 20101
 - 40' x 20' lodge details - 21965
- 3) No static caravans shall be placed on the site until confirmation of the range of external finishes to be used for the caravans expected at the site have been submitted to and agreed in writing by the local planning authority. All static caravans placed at the site shall comply with the range of external finishes agreed.
- 4) No development shall commence above ground floor slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority, the details of which shall include: a) location and current canopy spread of all existing trees and hedgerows on the land; b) full details of any to be retained, together with measures for their protection in the course of development; c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities; finished levels and contours; means of enclosure; d) car park layouts; e) other vehicle and pedestrian access and circulation areas; f) all hard and soft surfacing materials; g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); i) A highway condition survey of roads to be used by construction traffic in the vicinity of the appeal site (pre-condition survey). The landscape scheme shall be implemented as approved in accordance with the approved details.
- 5) No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved in accordance with the approved details.
- 6) No development hereby approved shall be commenced until details have been submitted to and approved by the local planning authority to demonstrate the provision of parking and turning for a minimum of 46 vehicles for the static caravan residents and site staff. The parking and turning areas shall be carried out in accordance with the approved details prior to the first occupation of the proposed development. Such spaces shall not be used other than for the parking of vehicles in connection with the approved use.

- 7) No development shall commence on site (including any works of demolition), until a Construction Management and Method Statement, together with a site plan, which shall include the following: a) the parking of vehicles of site operatives and visitors; b) routing plan for the delivery of the static caravan units; c) number, frequency and size of delivery vehicles/ construction vehicles loading and unloading of plant and materials; storage of plant and materials used in constructing the development; d) wheel washing facilities; e) measures to control the emission of dust and dirt during construction; f) a scheme for recycling/disposing of waste resulting from demolition and construction works; g) measures for the protection of the natural environment h) hours of construction, including deliveries; i) Location and use of generators and temporary site accommodation if required j) Construction programme for the static caravan pitches; k) pre-condition survey accompanied by the local highway authority providing photographic evidence of the existing highway, to be carried out prior to commencement;

has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period/set up period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the local planning authority.

- 8) No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- 9) No additional external lighting shall be installed on site beyond those features already in existence.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification) no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.
- 11) No development shall commence above ground floor slab level until details of the storage and collection of refuse and recycling, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the local planning authority. The development shall not be first brought into use until the approved refuse/recycling storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.
- 12) No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.
- 13) No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing

public sewer have been submitted to and approved in writing by the local planning authority. The development shall not be first brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

- 14) The owners/ operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
- 15) The caravans/cabins/chalets hereby permitted shall not be occupied as a persons' sole or main place or residence.