



Appeal Decision

Site visit made on 12 September 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

Appeal Ref: APP/F2415/W/23/3317526

Swift Stables, Theddingworth Road, Mowsley, Leicestershire LE17 6PZ

- 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 N Ross against the decision of Harborough District Council.
 - The application Ref 22/01518/FUL, dated 17 August 2022, was refused by notice dated 20 January 2023.
 - The development proposed is change of use of land to a campsite, the change of use of existing stables to a facilities block, installation of cess tank and electric hook up points, the use of the existing holiday let as site managers accommodation and associated boundary treatments.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site includes a building used as holiday accommodation. Planning permission for the holiday let use was granted in December 2011. I have not been provided with a copy of this permission but it seems from the evidence that it includes a condition that restricts the use of the building as a holiday let or tourist accommodation (the occupancy condition). The proposed development includes the use of the existing holiday let as site managers accommodation.
3. The appellant contends that the extant planning permission allows the holiday let building to be used as a dwelling and so no development would occur if it were to be used as managers accommodation. Appeals reference numbers APP/D3505/Q/14/222976 and APP/W0340/W/18/3195763 are referred to by the appellant in support of their case.
4. It is not in my remit in the assessment of this appeal to decide whether the site managers accommodation use would involve development. Also, unlike the referred to appeals, this appeal does not seek the discharge of a planning obligation nor the removal of an existing planning condition. As such, it is not for me to consider whether the occupancy condition is necessary or reasonable.
5. However, it is incumbent on me to have regard to the proposed use of the building in my assessment as it is included within the description of the development. In considering the proposal, I am mindful that the continuing use of the building as holiday accommodation is a real prospect in the event that the appeal is dismissed. Therefore, it represents a fallback position.

Main Issue

6. It is clear from the refusal reasons and submissions that the Council's objections relate specifically to the site managers accommodation. Accordingly, the main issue is whether this accommodation would be in a suitable location having regard to the policies of the Harborough District Local Plan 2019 (the LP), the National Planning Policy Framework (the Framework) and accessibility.

Reasons

7. The appeal site is in the countryside. It has direct access onto Theddingworth Road that leads northwards to the village of Mowsley. The site is set away from the edge of the village.
8. LP policy SS1 sets out a spatial strategy that seeks to direct development to appropriate locations, in accordance with a settlement hierarchy. Mowsley is not defined as a settlement and so it and the surrounding countryside fall within location category 1f. This is at the bottom of the hierarchy and covers locations where development will be strictly controlled.
9. LP policy GD3 sets out the types of development that will be permitted outside of settlements and in the countryside. Permissible uses listed under part 1a of the policy include those that would help diversify the rural economy. Tourist accommodation is an acceptable use, subject to such proposals being in accordance with LP policies RT2 and RT4. The campsite element of the proposal would clearly fall under this provision. The Council raises no concern that the scheme would conflict with LP policies RT2 and RT4 and so the campsite would accord with LP policy GD3.
10. The appellant claims the site managers accommodation would be ancillary to the primary campsite use as it would be essential for a manager to live at the site to run day to day operations. However, the accommodation would include 3 bedrooms, a lounge/dining area, a kitchen and a toilet/shower room. These facilities would enable the building to be used as a dwelling in its own right. As such, I am unconvinced the accommodation could be appropriately classed as an ancillary or incidental use.
11. In any event, there is insufficient evidence of an essential need for a site manager to be present at all times, either for security or practical reasons. The presence of tourists would act as a deterrent to theft and measures such as cameras and lockable gates could be employed to ensure the site is secure at times when there are no visitors. Meeting people on arrival may be a preference but it is not uncommon for tourist accommodation and campsites to allow guests to arrive and set up without staff intervention. Also, arrival times could be arranged in advanced or contact made by phone if assistance on arrival is required. Guests could also use mobile phones as a means of communication to the site manager at other times, including when there is an emergency. I fail to see what incidents would require a quick response from a manager living on site. It is unlikely that a campsite of the size proposed would lead to unacceptable behaviour that requires constant staff presence.
12. Even if I were to accept the appellant's contentions on the proposed accommodation being incidental to the proposed campsite, LP policy GD3 makes no mention of staff residences ancillary to campsites being permissible

- in the countryside. The site manager accommodation would not be supported by part 1a of LP policy GD3 as it would not be tourist accommodation.
13. Part 1f of the LP policy GD3 refers to rural housing in accordance with LP policy GD4. This sets out where new residential development will be permitted in the countryside. Part 1b of LP policy GD4 allows housing to meet the needs of a rural worker. However, under parts 1b(i) and (ii) there must be a functional need for a full time worker directly related to a business that has been established for at least 3 years. No campsite currently exists and so the proposed site managers accommodation would not accord with LP policy GD4 part 1b. There is no case made that the accommodation would be allowed under any other part of the policy.
 14. The holiday accommodation use of the building already exists and so the appellant claims that no new dwelling would be created by the proposal. As such, it is suggested that LP policy GD4 is irrelevant. However, such an argument fails to recognise that LP policy GD3 makes a distinction between tourist accommodation and rural housing. Even if the current holiday accommodation falls within class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), it would appear it cannot be lawfully used as a permanent residence due to the aforementioned occupancy condition. In such circumstances, it is appropriate to consider whether the proposed site managers accommodation use would be permissible under the terms of LP policies GD3 and GD4. For the reasons given, I find the proposal would not be allowed under the terms of these policies.
 15. It is noteworthy that the Framework also makes a distinction between rural housing and rural tourism. At paragraph 79 it seeks to ensure rural housing is located where it will enhance or maintain the vitality of rural communities. However, no such requirement is set out at paragraph 84 of the Framework, which states planning should enable sustainable rural tourism. Therefore, the distinction between rural housing and tourist accommodation found in LP policies GD3 and GD4 is consistent with the Framework.
 16. Mowsley is a fairly short walk from the site although the route is unlit with no pavements and so it is not conducive to walking. Also, the village contains few services and so there would be no meaningful scope for occupiers of the site managers accommodation to support local facilities and a rural community. Its location therefore would be contrary to paragraph 79 of the Framework.
 17. Paragraph 80 of the Framework sets out when isolated new homes would be permissible. However, I have already found there to be insufficient evidence of an essential need for a rural worker to live at the site. Also, the proposal would not constitute the re-use of a redundant building as it is currently used as holiday accommodation. There is no contention from the appellant that any of the other circumstances as set out apply and so the site managers accommodation would not be allowed under paragraph 80 of the Framework.
 18. The site's countryside location away from most day-to-day services and public transport links means that occupiers of the proposed accommodation would need to travel a significant distance by car to gain access to facilities. This would include access to schools, shops and medical services. A manager of the campsite would not need to travel to work but it is likely that any other person living in the accommodation and employed elsewhere would be highly reliant on car travel. In these regards the development would be at odds with the aim

to promote opportunities for walking, cycling and public transport use as set out at paragraph 104 of the Framework.

19. The existing holiday let use of the building would in itself generate trips to and from the site, most likely by car. However, the appellant's evidence indicates there is a lack of demand for the existing accommodation and that there are high vacancy rates. The site managers accommodation would be lived in permanently and so it would seem likely that the proposal would generate more trips to and from the site compared to the fallback position. Also, unlike the site managers accommodation, the tourist accommodation use is in accordance with the provisions of LP policy GD3. As the fallback is less harmful than the proposal in these regards, it attracts little weight in my consideration of this issue.
20. For the above reasons, I conclude the proposed site managers accommodation would not be in a suitable location having regard to LP policies SS1, GD3 and GD4, the Framework and accessibility. LP policy GD2 is referred to in the Council's refusal reasons but this relates to development within settlements and so it is not directly relevant.

Other Matters and Planning Balance

21. The Council raises no objections to the proposal in terms of its effect on the landscape, on living conditions of any residences or highway safety. Acceptability in these respects is a neutral factor in my assessment.
22. I am referred to a development on Mowsley Road granted planning permission by the Council. However, it would seem that in this case a caravan site had already been established and the Council was satisfied there was a need for a rural worker to live on the site. Due to these differences, this previous decision has little influence on my assessment of this appeal. The appeal decisions referred to at paragraph 3 of this decision relate to sites outside Harborough District where different planning policies apply. As such, I am not bound to follow these decisions with this appeal.
23. The campsite would support rural tourism and the economy in line with paragraph 84 of the Framework. The benefits in these respects would offset those lost through the change of use of the holiday let use of the building. Given the scale of the proposal, I attach moderate weight to these benefits.
24. However, the overriding issue is the unacceptable location of the site managers accommodation. The proposal when considered as a whole would be contrary to LP policies and the Framework. The benefits of the scheme and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR