



Appeal Decision

Site visit made on 1 August 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/T2350/W/23/3316023

Land to South West of 27 Whalley Old Road, York, Langho BB6 8DU

- 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 Robert and Alison Middleton against the decision of Ribbles Valley Borough Council.
- The application Ref 3/2022/0903, dated 22 September 2022, was refused by notice dated 21 November 2022.
- The development proposed is the change of use of land for siting of 1 no. camping pod.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The camping pod was in place at the time of my visit. For clarity, I have dealt with the appeal based on the submitted plans.

Main Issues

3. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (Framework),
 - the effect of the proposal on the character and appearance of the area; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

4. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. The Framework establishes that development in the Green Belt is inappropriate except in certain circumstances. The Council do not consider that the proposal would meet any of the exceptions set out at Paragraph 150 of the Framework. The appellant has however set out that the development can be considered

against the exception at Paragraph 150 e) relating to material changes in the use of land. This exception is subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

6. The proposed change of use has introduced a camping pod into an area of open land. I recognise that the appeal site formed part of a farmyard and will have been used for the storage of farm machinery and equipment. It has however introduced a camping pod where there was previously no such structure. The camping pod, although not currently being utilised and of a limited size, has therefore resulted in a greater spatial impact on the openness of the Green Belt compared to what existed previously. The location of the site relative to Whalley Old Road, despite the camping pod's position in proximity to other buildings and the screening referred to by the appellant, results in it being highly visible and this has resulted in a visual reduction in the openness of the Green Belt.
7. The appellant also makes reference to the proposal being for the purposes of outdoor recreation, which paragraph 149 b) of the Framework states the provision of appropriate facilities in connection with, is not inappropriate development. However, whilst the appeal development seeks to provide a small-scale tourism and visitor facility, the siting of a camping pod providing a lounge, kitchen, WC/shower and sleeping facilities does not itself represent outdoor recreational activity. In any event, even if it was considered to fall within this exception, paragraph 149 b) states that such appropriate facilities are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. For the reasons set out above, the appeal proposal, through the introduction of a camping pod has resulted in a harmful loss of openness. By spreading development into an open area of land forming part of the countryside, the development also contravenes one of the purposes of the Green Belt, namely, to assist in safeguarding the countryside from encroachment.
8. I therefore conclude that the scheme is inappropriate development in the Green Belt. Paragraph 147 of the Framework states that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development is contrary to the Framework in this regard and would also conflict with the 'Key Statement EN1: Green Belt' of the Core Strategy 2008-2028 A Local Plan for Ribbles Valley (Core Strategy), which seeks, amongst other matters, to maintain the overall extent of the green belt in order to safeguard the surrounding countryside from inappropriate encroachment.

Character and Appearance

9. The appeal site is situated in a rural area where development is mainly formed of small groups of buildings and linear areas of development along the roadside that are surrounded by fields and open areas of land. The presence of hedges, trees and other traditional boundary treatments gives the area a verdant, spacious character that contributes positively to the wider countryside setting.
10. The Council has raised concerns on the incongruous design of the appeal development. However, given the simple rectangular form of the camping pod and that it would be seen in the context of nearby utilitarian agricultural buildings, I do not consider the materials or design would be out of keeping with other buildings in the area. I note the appeal development has resulted in

a change to land levels to create a level platform area but from my site observations, the levels around the camping pod are not significantly different from other areas around it and therefore this aspect of the proposal is not unsympathetic to local character.

11. I therefore conclude that the proposed development does not have an adverse effect on the character and appearance of the area. As such it is not contrary to Policies DMG1 or DMB3 of the Core Strategy, which seek, amongst other matters, development that does not undermine the character of the plan area by virtue of its scale, siting, materials or design.

Other Considerations

12. The appellant has set out their health circumstances and that the appeal development would provide an additional income to existing farming operations, as well as supporting local businesses and leisure attractions. It would also receive support from the development plan and national policy, which seek to strengthen the visitor economy and the diversification of agricultural and other land-based rural businesses. These matters attract moderate positive weight in favour of the proposal, as does the use of energy efficiency measures and biodiversity net gains.
13. My attention has been drawn to an appeal decision¹ on another site for a caravan and cabin park. Although that development may have been considered as a proposal for the provision of an appropriate facility for outdoor recreation, I am not aware of the full circumstances of that case. The appellant references the smaller scale of the appeal development and from the details within the appeal decision, there is reference to outdoor seating. The circumstances of that referenced appeal do not appear to be comparable to this scheme. I can confirm that I have dealt with this appeal based on the evidence before me.
14. The proposal does not give rise to any adverse impacts on the living conditions of neighbouring residential occupiers or on the highway network as it uses an existing vehicular access and would generate a low number of vehicle movements. Although situated in the rural area, there are a range of options to access the site by means other than a private vehicle. The proposal would provide an electric vehicle charging point and cycle parking provision. It would also cause no unacceptable effects in respect of drainage, flood risk or waste management, and there are no heritage assets nearby. These are however neutral matters and not ones which weigh in favour of the proposal.

Conclusion

15. I have found that the appeal development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
16. I have set out the other considerations and, for the reasons I have given, this leads me to attach moderate weight to them in favour of the scheme. There would not be harm to the character and appearance of the area and a lack of

¹ APP/W4705/W/19/3237964

harm on this and on certain matters, as set out above, are neutral considerations.

17. With this in mind, the substantial weight I have given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
18. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR