



Appeal Decision

Site visit made on 2 January 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/D2510/W/23/3319749

Land at the rear of Style Furniture, Main Road, Fotherby, Louth, Lincolnshire LN11 0TD

- 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 Miss Kelly Casswell against the decision of East Lindsey District Council.
 - The application Ref N/052/02126/21, dated 10 October 2021, was refused by notice dated 31 October 2022.
 - The development proposed is change of use of land for the siting of caravans (lodges).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the land for the siting of 18 no. static caravan/lodges (for holiday purposes only) at land at the rear of Style Furniture, Main Road, Fotherby, Louth, Lincolnshire LN11 0TD in accordance with the terms of the application, Ref N/052/02126/21, dated 10 October 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decision. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal.
4. Notwithstanding the description of development set out above, which is taken from the application form, the proposal was amended before the Council determined it. This saw a reduction in the number of caravans/lodges proposed and a revised site layout. The site would also be used for holiday accommodation. These changes and the precise form of development proposed were reflected in the Council's decision notice and I have used this description in my formal decision.
5. The decision notice refers to harm to the tranquillity and qualities of the village and wider Lincolnshire Wolds Area of Outstanding Natural Beauty as a consequence of an increase in traffic and footfall. However, the Council's appeal statement, in referring to this matter, more generally discusses the potential for additional noise, disturbance and light pollution. The appellant has

responded to these broader matters in their final comments, and I have, therefore, considered these within my decision.

Main Issues

6. The main issues are:

- The effect of the proposed development on the character and appearance of the Lincolnshire Wolds Area of Outstanding Natural Beauty, including the potential for noise and disturbance; and
- Whether the proposed development would be in an acceptable location, having regard to the proximity of services and associated tourist facilities and whether the development would constitute sustainable development.

Reasons

Character and appearance

7. The appeal site is located on the southern edge of Fotherby and is a parcel of mainly grazing land located between residential development along North Elkington Lane and a cluster of development to the north including the commercial premises of Style Furniture. The site would be accessed from and have a frontage to Main Road and would extend along the rear gardens of the properties on North Elkington Lane, continuing to the rear of the properties on Main Street. To the west of the site, beyond a further agricultural field, is the A16 (Fotherby by-pass). The site is largely bounded on all sides by mature hedges and trees.
8. The proposal seeks to erect 18 no. static caravans/lodges for holiday purposes which would have the appearance of log cabins with each having timber decked areas and parking for two cars. The Council sought the reduction in the number of units and a more organic layout with enhanced planting to assist with the assimilation of the site within its surrounding context.
9. The site lies within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). Strategic Policy SP23 of the East Lindsey Local Plan Core Strategy (2018) (CS) states that the District's landscapes will be protected and enhanced, including the AONB which has the highest level of protection. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs.
10. Although the proposal is identified as a 'major development', due to the site area, paragraph 183 of the Framework allows the decision maker to take account of the nature of the proposal and its context to determine whether it could have a significant adverse impact on the AONB. The proposal is not considered to be an EIA development and taking account of the scale, character nature and local context, I have no reason to disagree that it should not be considered a major development in the context of paragraph 183.
11. Notwithstanding the above, there is concern that there would be a loss of pasture land in the open countryside and a change to its rural character, including the potential to affect the tranquillity of the area. The site is identified in the Lincolnshire Wolds Landscape Character Assessment as being located within the Holten le Clay to Great Steeping Middle Marsh area. This is considered to have a moderate to high sensitivity with a very distinctive and

intact rural landscape with few detracting features. Development guidelines include ensuring that development is sympathetic to the scale, pattern and rural character of the area and positioning developments to use existing screening and concentrating them around existing settlements. Also, to consider the effects on tranquillity and dark night skies.

12. The appellant's Landscape and Visual Statement (March 2022) (LVS) notes that in the vicinity of the appeal site, the construction of the Fotherby bypass has diluted the sensitivity of the site and is no longer truly reflective of this part of the AONB area and its key characteristics. Therefore, because of this change and the proximity to the nearby commercial premises and other built development, it considers that the site has a reduced level of sensitivity.
13. Whilst I was aware of the distinct rural character of the area and its tranquil feel, at the appeal site I could hear the background noise from vehicles on the Fotherby bypass and could see glimpses of passing traffic in the distance. I also saw that the appeal site was in part visually contained by the nearby built development. At the same time, I saw a number of vehicles visiting the adjacent commercial property and there was a light flow of passing traffic on Main Road. Therefore, in my view, the presence of the nearby built development and the level of activity that I saw in the area impacts on the character of the site and its tranquillity. I therefore have no reason to take a different view to that expressed in the LVS regarding the sensitivity of the site.
14. The Council has objected to the potential for the development to harm the tranquillity and qualities of the rural village and AONB, including as a consequence of traffic and footfall. However, no substantive evidence has been provided of exactly what the harm would be, how it would arise or its scale and impact. I also note that the Council's environmental health officer has raised no objections with regard to noise and disturbance.
15. The proposed caravans/lodges would be dispersed across the site with a good degree of separation from nearby premises, and the proposed block plan shows additional landscaping around the site boundaries and between the units. There would be no on-site facilities or formal recreational areas. I would anticipate that people visiting this site would be looking for a peaceful, recreational break in the countryside and there is no evidence that the site would attract larger gatherings of people, promote noisy or antisocial behaviour or littering. Even though the units would provide outdoor seating areas, they are a good distance away from nearby residential properties and the site is therefore unlikely to materially affect the enjoyment of nearby residential properties.
16. The layout of the site suggests that vehicles would travel slowly, and occupiers would have little reason to leave engines running. Once the site is operational, I also see few reasons for larger vehicles to regularly service the site. The vehicle movements generated by the holiday lodges would most likely be spread throughout the day without peak times. Even if this wasn't the case, the amount of traffic generated by the 18 caravans/lodges would be relatively modest in number and unlikely to significantly affect the tranquillity of the area given the existing site context and background noise. It is expected that tourists would explore on foot nearby, and they would be encouraged to do so. However, I have no substantive evidence as to why this anticipated footfall would also harm the tranquillity of the area.

17. In terms of the visual impact, the proposal would result in the loss of pasture land and the development would change the character of the immediate site. However, the caravans/lodges would be relatively small in scale and form which should integrate with their rural context and would be dispersed across the site avoiding a regimented layout. Appropriate landscaping measures and facing materials for the units could be secured by condition to ensure integration with the surrounding area. No external lighting is identified on the proposed block plan and where required this could be adequately controlled by condition to ensure that there is no adverse light pollution within the surrounding local area.
18. The LVS concluded that the development would not be to the detriment of the character of the village or wider AONB and would be of a scale and intensity compatible with its surroundings. Further, that it would have no more than a low level of impact on the qualities and character of the AONB. Given the site context which I have described, subject to conditions to control landscaping and design features, and having regard to my statutory duty with regard to the AONB, I have no reason to disagree with its conclusions.
19. Therefore, I consider that the proposed development would alter the appearance of the site and this part of the AONB, for the reasons given it would cause no significant harm to the character and appearance of the AONB, including having regard to the potential for noise and disturbance. It would therefore comply with CS Policy SP23 and the Framework.

Location

20. Under CS Policy SP1 settlements are grouped based on an assessment of their services, facilities, roles, accessibility and relationship with nearby settlements. This policy ranks their place in the settlement pattern and is a baseline to guide new growth based on their capacity to provide and to sustain a pattern of viable communities. This is considered to provide the most sustainable patterns of growth with the widest economic, environmental and social benefits. Within this policy Fotherby is identified as a 'medium village'. These are classed as settlements providing some essential services and job opportunities, basic services to neighbouring villages but they also look to larger villages for a greater range of community services.
21. CS Policy SP15 supports the development of inland tourism provided that it does not cause unacceptable harm to the landscape, biodiversity or heritage assets and is of a scale and intensity compatible with its surroundings. The policy specifically supports new sites for caravans, log cabins and similar forms of accommodation where sites are in close proximity to a town, large or medium village. These sites should provide extensive landscaping and green infrastructure, should not cause unacceptable harm to the wider landscape, protected or important habitats and their settings, and must provide safe access to the relevant settlement.
22. As a 'medium village' there is clear policy support for the proposal in Fotherby under CS Policy SP15 provided that all the criteria are met. Since the adoption of the CS, the level of services and facilities within the village may have changed but as I have noted above this is only one of the factors used to rank the District's settlements. This, therefore, is not a reason to question its status as a 'medium village' or to consider that CS Policy SP15 should not apply here. Furthermore, bearing in mind that planning legislation requires that

applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise, it would be inappropriate to disregard adopted policies on an ad hoc basis during the determination of an appeal.

23. It may be that visitors would need to travel to access shops, food outlets or tourist facilities and that some of those journeys would be by car. However, the evidence before me indicates that there is a regular daily bus service to other settlements and a bus stop is on the road opposite appeal site. Furthermore, the town of Louth lies a short distance to the south so whilst the site provides a rural location to explore the wider area it is not in my view truly remote from nearby services and tourist facilities.
24. In terms of compliance with the criteria of CS Policy SP15, I have already concluded that the proposed development would cause no unacceptable harm to the landscape, would be of a scale and intensity compatible with its surroundings and would provide extensive landscaping. With regard to local biodiversity, evidence before me suggests that the site has a low potential to support the presence of great crested newts. I am satisfied this can be adequately addressed through the Council's suggested condition to ensure compliance with The Conservation of Habitats and Species Regulations. With regard to heritage assets, there are signs of medieval agricultural activity, but the evidence suggests that this is of local significance and has been affected by modern ploughing. The Council's historic environment officer suggests that this would not normally preclude development and has raised no objection subject to appropriate conditions.
25. There is disagreement as to whether the appeal site is in close proximity to Fotherby. Whilst I note that there is an intervening gap of approximately two fields between the centre of the village and the cluster of buildings around the appeal site, I consider that the village as a whole has a dispersed settlement form with several outlying groups of buildings. In my view the settlement form together with the continuous street lighting and footpath linking the appeal site and the centre of the village demonstrate it is in close proximity to the village. Also, that safe access to the village could also be achieved.
26. I therefore consider that the proposed development would be in an acceptable location having regard to the proximity of services and associated tourist facilities and that it would constitute sustainable development. It would therefore comply with CS Policies SP1, SP2, SP15 and SP23 and the Framework.

Other Matters

27. The appeal proposal has attracted a significant number of representations. Whilst many of these points have already been addressed in the main issues, several additional matters have been raised. No substantive evidence has been submitted to detail that there would be any highway concerns regarding the site access or traffic generation arising from the proposal, and the local highway authority has raised no concerns. Likewise, subject to appropriate conditions, I have no adequate evidence that there would be any concerns regarding foul and surface water drainage.
28. Whilst the units would be slightly raised up and have decked areas for sitting out, the degree of separation from nearby dwellings and the proposed

intervening landscaping would successfully limit any loss of privacy or overlooking between the new units and the existing dwellings. Concerns that the lodges could be used as permanent accommodation can be addressed by a condition to ensure the development remains for holiday use only.

29. Some local residents suggest that there is no demand for additional tourist accommodation in the village and there are similar sites nearby with numerous applications approved recently. However, I have no adequate details to demonstrate that there is no local demand or to explain why alternative sites would be preferable to the scheme before me and give me reasons to find against this proposal. In any event, both the development plan and the Framework support appropriate rural tourism and I have found no harm in relation to the main issues above. It is further suggested that the development would be of no benefit to those in the village. However, it is likely that the proposal would generate some local jobs to assist with maintenance, cleaning and changeovers. It would also help support local shops and services in the wider area which the community would benefit from.

Conditions

30. The Council has suggested conditions and the appellant has provided comment. I have considered these, making amendments where necessary in the interests of clarity and enforceability, and to ensure compliance with the tests contained in the Planning Practice Guidance and paragraph 56 of the Framework.
31. I have adjusted the Council's suggested commencement of development condition to 3 years to comply with the standard, prescribed time limit. A condition is required to secure compliance with the submitted plans and details and to provide certainty as to what has been permitted.
32. The archaeology conditions will ensure that features of archaeological interest are properly examined and recorded. These are worded as pre-commencement conditions so that the investigation and any required recording are undertaken prior to ground disturbance.
33. To protect the character and appearance of the area, conditions relating to construction materials, including colour, and landscaping are necessary and to ensure implementation and future maintenance. Conditions are also imposed with regard to external lighting, local biodiversity, and in relation to drainage to prevent risk of flooding, and to ensure that foul water from the development is adequately managed. I have also imposed the Council's suggested occupancy condition.

Conclusion

34. The proposal would be in accordance with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal is allowed.

G Bayliss

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be completed 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 No. dmc21629/001,
Plan & Elevations (Foresters lodge Type -A),
Plan & Elevations (Strand lodge Type -B),
Proposed Block Plan No. dmc21629/003 Rev.B.
- 3) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following:
 - i) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - ii) A methodology and timetable of site investigation and recording.
 - iii) Provision for site analysis.
 - iv) Provision for publication and dissemination of analysis and records.
 - v) Provision for archive deposition.
 - vi) Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

- 4) The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.
- 5) A report of the archaeologists findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.
- 6) Prior to the siting of any lodge/caravan, details of the cladding and roof material to be used, including its finish & colour, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and thereafter maintained.
- 7) The final surface water drainage scheme shall be constructed in line with the principles and recommendations made at section 4.0 within the Outline Drainage Strategy produced by Roy Lobley Consulting and received by the Local Planning Authority 01.03.2022. No lodge/caravan shall be occupied until the works have been carried out in accordance with those recommendations in their entirety.
- 8) All foul water from the development hereby approved must be collected and discharged into the Mains sewer network. If it is found that there is insufficient capacity in the existing system then an alternative scheme for the discharge of foul water must be submitted to and approved in writing

by the Local Planning Authority and that scheme must be fully implemented before the development is brought into use.

- 9) The scheme of landscaping and tree planting shown on Plan No. dmc21629/003 Rev.B shall be carried out in its entirety within a period of 6 months/first planting season following the date on which development is commenced, or in line with a timetable/phasing strategy agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of 5 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
- 10) The development shall be completed in strict accordance with the recommendation section (4.2, bullet points 2 & 3) detailed in the Preliminary Ecology Appraisal produced by KJ Ecology and dated December 2021.
- 11) No external lighting shall be installed on site unless details of such lighting, including design, location, the intensity of illumination and fields of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.
- 12) The lodges/caravans hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.