



Appeal Decision

Site visit made on 14 February 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2024

Appeal Ref: APP/M9496/W/23/3321415

Land to the east of Bamford Tennis Club, Water Lane S33 0BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr John Bennett against Peak District National Park Authority.
 - The application Ref NP/HPK/0922/1170, is dated 15 September 2022.
 - The development proposed is Use of a field as a seasonal campsite between 1 March and 1 October.
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Decision

1. The appeal is dismissed and planning permission for use of a field as a seasonal campsite between 1 March and 1 October is refused.

Preliminary Matters

2. A change to the description of the development was agreed between the main parties before the appeal was made. I have therefore taken the description of development from the appeal form.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published and the Levelling Up and Regeneration Act 2023 (LURA) has amended the National Parks and Access to the Countryside Act 1949. While the Framework has not raised any new matters which are determinative to the outcome of this appeal, the main parties have had an opportunity to comment on the LURA and so have not been prejudiced by this change.

Main Issues

4. The Authority failed to determine the application within the prescribed period. The Authority's Statement of Case is a drafted delegation report, which recommends granting planning permission subject to conditions, having considered a number of key issues. Additionally, I have been provided with responses to the consultation process.
5. Taking all of these factors into account, and from my own observations on site, the main issues are considered to be:
 - whether in principle, this is a suitable location for new tourist accommodation, having regard to the development strategy for the area;
 - whether this is a suitable location for the proposed development with regard to flood risk;

- the effect of the proposed development upon highway safety;
- whether the proposed development would conserve and enhance the landscape and scenic beauty of the Peak District National Park (PDNP);
- the effect of the proposed development upon the Bamford Conservation Area (BCA); and
- the effect of the proposed development on the living conditions of occupiers of nearby dwellings, with regard to noise and disturbance.

Reasons

The principle of development

6. The appeal site comprises part of a grassed field to the southwest of Bamford village. The river Derwent lies to the north and east, bound by mature trees. Further mature trees and hedgerow line much of the western boundary. Surrounding uses include tennis courts, a campsite, Bamford with Thornhill Recreational Ground, a commercial garage, as well as further agricultural land.
7. Interested parties question the acceptability of the appeal scheme in principle, based on the scale of the proposed campsite. However, Policy DS1 of the Core Strategy¹ (CS) states that in all settlements and in the open countryside outside of the Natural Zone, recreation and tourism development will be acceptable in principle. While CS Policy RT3 states that small touring camping and caravan sites and backpack camping sites will be permitted, 'small' is not defined, either in terms of extent or number of pitches. Reference is made to 30 pitches as a guide only. Size will be an important factor in assessing the acceptability of a camping or caravan site in relation to certain matters, such as landscape or highway safety, which I turn to below. Nevertheless, CS Policy DS1 clearly provides in principle support for this type of development at this location.
8. As such, having had regard to the development strategy for the area contained in CS Policy DS1, in principle, this would be a suitable location for new tourist accommodation of the type proposed.

Flood Risk

9. The appeal scheme would introduce a more vulnerable use to a site that is located at least partially within Flood Zone 2. CS Policy CC1 requires that all new development should be directed away from flood risk areas and should seek to reduce overall risk from flooding within the National Park and outside it. The supporting text explains that development will be assessed initially in accordance with the sequential test set out in PPS25. National policy is now provided by the Framework.
10. Paragraph 168 of the Framework aims to steer new development to areas with the lowest risk of flooding from any source through the application of the sequential test and states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Footnote 60 of the Framework specifies that a change of use to a camping site requires application

¹ Peak District National Park Local Development Framework, Core Strategy Development Plan Document – Adopted October 2011

of this test, and the Environment Agency has highlighted this requirement in their consultation responses.

11. The evidence before me does not demonstrate that the sequential test has been applied. In the absence of the application of the sequential test, the proposal would conflict with CS Policy CC1 and it would not meet the requirements of the Framework, as set out above.
12. The submitted Flood Risk Assessment (FRA) provides measures to manage flood risk at the site, which has allowed the Environment Agency to remove its objection. I note some concern from interested parties as to the effective implementation of these measures. However, the Council's recommended conditions would require the development to be undertaken in accordance with the FRA, requiring details of how the site would be managed in practice, as well as compliance monitoring. As such, I am satisfied that the measures of the FRA could be secured. Nevertheless, this does not negate the need for the sequential test and so the conflict I have identified is not overcome.

Highway Safety

13. The existing field access onto Water Lane is relatively wide and it would be a sufficient width to accommodate vehicles entering and exiting the site. The proposed development would increase the use of Water Lane, which is narrow and is shared by both vehicles and pedestrians. However, the lane is relatively straight allowing forward visibility of oncoming vehicles and pedestrians, whilst there are opportunities for vehicles to pull in and give way, if necessary.
14. However, the appeal scheme would also result in an increased use of the junction of Water Lane and Station Road, (the A6013). I observed at my site visit that when leaving Water Lane, visibility at this junction is constrained to the north by the presence of a large tree, requiring vehicles to encroach into the carriageway to obtain views of oncoming vehicles.
15. While the Highway Authority has not raised any concerns in relation to the proposal, the appeal scheme is not supported by any technical information relating to this issue. It may be the case that a camp site has operated at the site utilising permitted development rights without incident, however the appeal scheme would operate for a much longer period each year than allowed under these rights, as well as for a longer period than the prior approval by the Authority for a temporary camping site at this location for up to 60 days, for one year. I acknowledge the level of accessibility of the site by public transport and so not all users would necessarily arrive by private car. Nevertheless, some will, and the information before me is not sufficient to demonstrate that this would be achieved safely.
16. On this basis, I am unable to conclude that the proposal would not result in harm to highway safety. The proposal would therefore conflict with CS Policy RT3 and Policy DMR1 of the Development Management Policies document² (DMP), which collectively require that new camping sites have appropriate access to the road network. The requirements of paragraph 114 of the Framework would not be met in terms of ensuring that a safe and suitable access to the site can be achieved for all users, so as to ensure that there would not be an unacceptable impact on highway safety.

² Development Management Policies Part 2 of the Local Plan for the Peak District National Park, Adopted May 2019

Landscape and scenic beauty

17. The site is located within the PDNP and so the proposed development has the potential to affect this designated landscape. I am mindful of the requirement to seek to further the purposes of this designation, which includes conserving and enhancing its natural beauty.
18. The site is relatively flat and low lying. It is contained to a large extent by mature trees and hedgerow, which provide screening of the site from the surrounding area. Even at the time of my site visit in the winter months, this mature planting heavily filtered public views of the site and I note that additional planting is proposed. Close to the site, public views would be limited mainly to the Water Lane entrance where a campsite would change the rural character of this field. However, these impacts would be transient and seasonal, while the proposed development would be seen along with a mix of other uses in this locality. As such, in closer range views, the proposed development would not result in harm to the landscape and scenic beauty of the PDNP.
19. I was also able to view the appeal site from higher ground, where views of the site are not screened. Such views would include popular public vantage points for sensitive receptors such as walkers enjoying the National Park, at Bamford Edge for example. However, from higher ground, the appeal scheme would be seen with the built form of the village, as well as the tennis courts and commercial and agricultural buildings that extend out from it. In this context, the appeal scheme would not appear harmful in the landscape.
20. Recreational users of Water Lane could experience some noise and disturbance when the campsite is operational, including from associated traffic, however, this would be for a limited length of the lane only, where there are already a number of comings and goings associated with those surrounding uses.
21. To conclude on this main issue, the proposal would adequately conserve the landscape and scenic beauty of this part of the PDNP, while the proposed tree planting would provide some modest enhancement. It would accord with CS Policy L1, as well as DMP Policies DMC1 and DMC3, which collectively and amongst other matters, seek to ensure that new development respects, conserves and enhances valued landscape character, and does not lead to adverse effects or undesirable changes, including from its scale and form.

Heritage Assets

22. The appeal site lies within the BCA. The associated Conservation Area Appraisal recognises the significance of Bamford Mill, and its riverside position, in understanding the industrial heritage of the village, while below the mill, the area is noted to be busy along the road, but peaceful alongside the river. Trees along the riverbank are recognised as providing an attractive swathe of woodland to the southwest of the village, isolating it from the floodplain beyond.
23. The comings and goings associated with the proposed use would add further activity to the BCA extending along the river, which the Conservation Area Appraisal highlights as peaceful. However, this would be tempered by the activity arising from established uses in the immediate vicinity. From Water Lane, the appeal scheme would be seen in the foreground of views of the river

corridor towards Bamford Mill, which was partially visible amidst mature trees at the time of my visit. While the impacts would be seasonal and transient, the proposed use would introduce an array of camping tents, vehicles and other paraphernalia into this open field, which in its present form, contributes positively to the rural riverside setting of the village.

24. Consequently, when operational, the appeal scheme would not conserve or enhance the appearance of the BCA, including the setting of Bamford Mill. It would conflict with CS Policy L3 and DMP Policies DMC5 and DMC8, which collectively and amongst other matters, require that new development conserves and where appropriate enhances heritage assets, having considered the form and layout of the area, including views and vistas into and out of it, and the character of spaces contributing to the character of the historic environment.
25. This would amount to less than substantial harm. Paragraph 208 of the Framework requires that this harm is weighed against the public benefits. I will return to this matter below.

Living Conditions

26. The activities, comings and goings of visitors would likely differ from the day-to-day activities of local residents. Given the location of the proposed use on the edge of the village, there is potential for the proposal to cause noise and disturbance to nearby residents, albeit the tree lined river corridor provides a degree of separation.
27. To date, permitted development rights provided by the GPDO³ have been utilised at the site, which allows temporary use of the land for camping for 28 days each year. Some of the representations from the public suggest that this has caused disturbance, including from the running of vehicle engines, vehicle lights, raised voices, music, and smoke from fires and so on, including late into the evening, when surrounding residents might reasonably expect there to be a quieter and less active environment. However, there is limited information before me as to how this use has been formally managed in the past.
28. The appellant indicates that the northern section of the field would not be utilised by campers, while planting is proposed to provide additional screening. The appellant proposes monitoring from a staffed trailer at regular hours and the imposition of a quiet period from 10pm to 7am, which would be proactively monitored by the site owner. However, no formal management plan has been provided at this stage and there is some uncertainty as to the precise level of management and monitoring the appellant is proposing, and whether this would coincide with those times when residents might reasonably expect there to be a quieter environment.
29. The appellant is located some 700m from the site. This distance would be too great to observe any issues. I am advised that other campsites in the PDNP are unmanned overnight and instead display emergency contact details. However, I have not been given any particulars of these sites in relation to their size or proximity to residential properties. Nor does the proposal confirm that such measures would be utilised at the appeal site, and if they were, whether someone would be contactable 24 hours a day.

³ The Town and Country Planning (General Permitted Development) (England) Order 2015.

30. Nevertheless, the Authority considers that a Campsite Management Plan (CMP) and Code of Conduct, and site monitoring/compliance could be secured by the imposition of suitably worded conditions, to protect the living conditions of occupiers of nearby dwellings to an acceptable level. From the information before me, I have no reason to disagree.
31. On this basis, I am satisfied that the proposal would not harm the living conditions of occupiers of nearby properties, with regard to noise and disturbance. Consequently, there is no conflict with CS Policy RT3 and DMP Policy DMR1, insofar as they require that camping sites do not adversely affect living conditions. Further, the proposal would satisfy the requirements of paragraphs 135 and 191 of the Framework which require new developments to function well and add to the overall quality of an area, provide a high standard of amenity for existing users, and ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health and living conditions.

Public Benefits

32. The proposed campsite would increase visitor accommodation in the area, providing additional visitor choice, including in terms of holiday costs, supporting the tourism industry. Consequently, it would further the purpose of the PDNP to promote opportunities for the understanding and enjoyment of the park's special qualities by the public. It would also increase tourist spending in the area, providing support for the local rural economy. The appeal site would be in a reasonably accessible location, and so visitors would also support local services and facilities. In this regard, the proposal would positively contribute towards the duty to foster the social and economic wellbeing of the local communities within the National Park.
33. The proposal would allow an existing farm to diversify and so it attracts support from DMP Policy DME2 and paragraph 88 of the Framework in terms of supporting a prosperous rural economy. These benefits of the proposal have attracted support from interested parties, and I afford them moderate weight in favour of the appeal scheme.

Other Matters

34. While the adjacent river corridor is likely to provide biodiversity interest, there is no substantive evidence before me to suggest that the proposed development would materially harm such interests, or that cars would damage tree roots. Concerns also relate to water pollution, however the proposal includes facilities for toilets and showers, which would be connected to the mains sewer. There appears to be scope to lay a new sewer connection without detriment to tree roots, which could be suitably controlled by condition. No facilities are proposed for the washing of cooking implements, nor details provided of refuse bins. However, this could be controlled by a condition requiring a CMP, as discussed above.
35. There is no substantive evidence before me to suggest that the capacity of the nearby play equipment area would be exceeded as a result of the appeal scheme. Reference has also been made to anti-social behaviour within this area. However, there is limited evidence to suggest that this is a persistent issue, or that it is directly associated with use of the site for camping.

36. Interested parties suggest that permitted development rights should be removed. This does not fall within the scope of this decision. Others query whether the appellant has access rights over the lane. This would be a private matter between the parties involved and the determination of this appeal would not alter the legal ownership of the lane.

Planning Balance and Conclusion

37. I have concluded that the imposition of conditions would adequately safeguard the living conditions of occupiers of nearby dwellings, and I have not identified harm in relation to the landscape and scenic beauty of the PDNP. However, the proposed development would result in less than substantial harm to the heritage asset comprising the BCA. As required by the Framework, I attach great weight to the conservation of these assets. Additionally, I have been unable to conclude that the proposal would not harm highway safety. Further, the Framework and Planning Practice Guidance advises that where the sequential test is not met, development should not be allowed. For the reasons set out above, I afford moderate weight to the public benefits of the appeal scheme, but these benefits do not outweigh the harm identified, nor do they overcome the failure to address the sequential test.
38. Consequently, the appeal scheme would conflict with the development plan as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, the appeal is dismissed and planning permission refused.

S Brook

INSPECTOR