



Appeal Decision

Site visit made on 29 January 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2024

Appeal Ref: APP/H0520/W/23/3329259

Stroud Hill Park, Fen Road, Pidley, Huntingdon, Cambs PE28 3DE

- 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 David Newman against the decision of Huntingdonshire District Council.
 - The application Ref 22/01536/FUL, dated 8 July 2022, was refused by notice dated 20 April 2023.
 - The development proposed is the change of use from restaurant to a dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement. The revised Framework is a material consideration which should be taken into account from the day of publication. The revisions to the Framework are not material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the rural economy; and
 - whether the proposal makes adequate provision for refuse and recycling bins.

Reasons

Character and appearance

4. The appeal site is in a countryside location, detached from the settlement of Pidley. The site comprises a building and a small area within a larger parcel of land. The wider site has been used as a caravan park. The caravan park's associated facilities and a restaurant were contained within the building prior to their closure.
5. The building and the land immediately surrounding it are enclosed by an existing post and rail fence and hedge. The wider site is enclosed by mature

hedges and a woodland belt which largely conceals the site from Fen Road. The land rises to the rear of the building, with a track sweeping around and to the side of the building with hardstandings either side.

6. Policy LP33 of the HLP supports the conversion of redundant or disused buildings where the proposal would lead to an enhancement of the immediate setting. The ordinary definition of enhancement is an increase or improvement in quality, value, or extent. No physical changes to the building or the immediate setting are shown on the plans. Consequently, the proposal would not actively enhance the immediate setting. Therefore, the proposal does not comply with Policy LP33.
7. The appellant has suggested that the infrastructure relating to the caravan site, including the hardstanding and electric points, would be removed and would be a visual benefit. However, the wider caravan park is outside of the appeal site and the removal of the infrastructure is not included within the proposal. I understand a revised plan was submitted that included the wider site, however this has not been supplied with the appeal.
8. Given that the appeal site does not include the wider site, the proposal would not extinguish the lawful caravan site use. Therefore, caravans could still park on the grass and have an impact on the character and appearance of the area. No mechanism has been suggested to enable the use to cease and related development be removed. Nonetheless, the benefit in relation to the removal of the infrastructure would be limited given that the site is visually contained from views outside of the site.
9. The proposal would not have an acceptable effect on the character and appearance of the area. The development would therefore conflict with Policies LP12 and LP33 of the HLP, which collectively require that proposals contribute to the area's character and identity and lead to an enhancement of the immediate setting.

Rural economy

10. The proposal is for the change of use of the building and the land immediately surrounding it to a dwelling and its associated curtilage. Policy LP2 of Huntingdonshire's Local Plan to 2036 (HLP) aims to support a thriving rural economy. This approach is consistent with Chapter 6 of the Framework and the economic objective of sustainable development.
11. When operating, the tourism and leisure use would have contributed positively to the local rural economy. Restaurants are not a typical feature of caravan sites, but it would have helped to attract visitors to stay at the site. The appellant states that the business was being subsidised and was no longer viable. The details provided indicate that the business had a significant turnover in 2010 indicating a thriving business, but this had changed by 2020, with the overall accounts showing a loss. However, the evidence presented is limited to only these two years and whilst there had been a significant change, there is no substantive evidence that demonstrates that the business had suffered year-on-year. Furthermore, while the property had been marketed for several years, the evidence before me contains little detail demonstrating the extent of land marketed for sale or justification that the pricing was appropriate.

12. The appellant indicates that other caravan sites would likely benefit from the additional business as a result of the closure of the site. Whilst this may be the case, limited details have been provided to demonstrate what other caravan sites in the locality may be able to accommodate such visitors to the area.
13. Evidence suggests that the restaurant was also used by members of the public, albeit this may not have complied with a condition attached to the original planning permission. Although the restaurant may have been used separately to the caravan park in breach of a condition, there is no substantive evidence before me that demonstrates that the building could lawfully be used other than in accordance with the condition linking its use to the caravan site.
14. The use of the wider site as a caravan site would not be extinguished as it is outside of the appeal site. The proposed conversion of the building to residential use would threaten its viability, and that of the site as a whole, through the loss of the restaurant and also the toilet and shower facilities which are located at one end of the building. The latter is stated to be a requirement of the caravan site licence. This would lead to a need for a new building at cost to the site operator. The requirements for a new building would have financial implications for the viability of the business and without any guarantee that such a building would be found acceptable by the Council. Although already closed, the permanent cessation of the caravan site would have a negative effect on the local rural economy, including the associated reduction in job opportunities and the purchasing of goods by visitors and the business.
15. I conclude that the proposal would harm the rural economy. The development would therefore conflict with Policies LP2 and LP10 of the HLP and the Framework, which collectively seek to support a thriving rural economy.
16. The parties agree that the building is disused following the closure of the restaurant and the proposal would therefore comply with part a. i. of Policy LP33 of the HLP. Policy LP22 of the HLP seeks to prevent the loss of a local service or community facility. The policy recognises that these help to meet local needs and includes a list of what it considers to be local services and community facilities. Although restaurants are not included, the list is not exhaustive.
17. There is no substantive evidence before me to suggest that the restaurant is a local service or community facility. Although used more widely, the restaurant was originally tied to the caravan site and was aimed at visitors staying on the site. For this reason and, due to its countryside location away from the closest settlements, the use would not be a local service or community facility serving the local populous. Furthermore, whilst the restaurant would offer a place for people to meet, it has a more formal setting than that of a public house and, in this particular case, does not provide an essential day-to-day service for local people akin to that of a shop, health centre or fuel filling station. In addition, the caravan park element is typically used by visitors to the area and does not therefore comfortably fall into the category of a local service or community facility. Accordingly, Policy LP22 is not relevant given the specific circumstances of this appeal.

Wheeled bins

18. Policy LP4 of the HLP requires contributions towards the provision of infrastructure to make the proposal acceptable in planning terms. The

contributions required include waste recycling facilities. The contributions are calculated using the Development Contributions Supplementary Planning Document (2011) (SPD). The SPD requires a contribution to provide residential wheeled bins and would be secured by way of a Unilateral Undertaking (UU).

19. The appeal has been submitted without a signed UU. Had a completed UU been provided, then this would have satisfied the requirements of the policy and the SPD. The Planning Practice Guidance states that a condition requiring the completion of a UU is only possible in exceptional circumstances and would not be possible in this instance. Had I been minded to allow the appeal, I may have given the appellant the opportunity to submit the completed UU.
20. The proposal would not make adequate provision for refuse and recycling bins. The development would therefore conflict with Policy LP4 of the HLP, which requires contributions to be made in respect of waste recycling facilities.

Other Matters

21. The appellant has suggested that the proposal could benefit from a permitted change of use under Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended. This permitted development right permits the change of use of a building from a use falling within Class E to a dwellinghouse, subject to the prior approval of the local planning authority.
22. The building includes a restaurant and facilities relating to the caravan park. The lack of any substantive evidence demonstrating that the restaurant had been used in breach of the condition limiting its use by visitors to the caravan park, it is not clear that the building benefits from this permitted development right.
23. The building also includes a flat, which has been used independently in breach of a condition requiring occupation by the manager of the caravan park. The appellant states that the flat has been occupied independently for an extended period of time, however there is no substantive evidence before me that demonstrates that the flat could lawfully be occupied other than in accordance with the condition linking its use to the caravan site.
24. It is open to the appellant to apply to the Council for a separate determination as to the lawful use of the building under sections 191/192 of the Act, or for prior approval under Class MA, Part 3, Schedule 2 of the GPDO, regardless of the outcome of the appeal.

Conclusion

25. The proposal would not accord with the development plan as a whole. The other considerations in this case do not indicate a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR