



Appeal Decision

Site visits made on 8 February 2024 and 26 March 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9 May 2024

Appeal Ref: APP/E2340/W/23/3321392

**Lower Greenhill Caravan Park, Kelbrook Road, Salterforth, Barnoldswick
BB18 5TG**

- 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 N and A Hudson against the decision of Pendle Borough Council.
 - The application Ref 22/0413/FUL, dated 20 June 2022, was refused by notice dated 3 April 2023.
 - The development proposed is the change of use of land from agricultural and engineering operations to form forty six caravan pitches and erection of new amenity / shower block.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from agricultural and engineering operations to form forty six caravan pitches and erection of new amenity / shower block at Lower Greenhill Caravan Park, Kelbrook Road, Salterforth, Barnoldswick BB18 5TG in accordance with the terms of the application Ref 22/0413/FUL, dated 20 June 2022 and subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
3. A site visit was undertaken on 8 February 2024, during which I was able to adequately view the appeal site. However, due to low visibility at that time an unaccompanied site visit was later undertaken on 26 March 2024 during which I was able to view the surrounds and more distance views of the site.
4. I have taken the description of the proposal from the appeal form, as this most accurately represents the scheme. The Council incorrectly stated the proposal related to sixty one caravan pitches in its decision notice and notification letters. However, the submitted plans used by the Council at that stage were clear that development related to forty six pitches, and I have therefore proceeded on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site mainly comprises an area of sloping open land abutting the existing Lower Greenhill Caravan Park, located to the south west of the settlement of Salterforth. The proposal seeks planning permission for the change of use of the land from agricultural and engineering operations to form forty six caravan pitches, in addition to the erection of a new amenity / shower block which would be located within the existing caravan park.
7. The site is located in the open countryside, with the immediate surrounds being primarily rural in nature, comprising agricultural fields and woodland. It falls within the Gargrave Drumlin Field landscape character type, characterised by rolling hills which give a distinctive grain to the landscape. However, the current caravan site also forms part of the character of the area. While this sits to the base of the hillside, it is nevertheless experienced in wider views, including from the A56 to the southeast and adjacent footpaths, where its presence is clear within the immediate landscape.
8. The proposal would be adjacent to the existing pitches and caravans, located higher up the hillside with an access road running from the current pitches to the proposed additional units. As such, there would be potential for the proposal to be more prominent in the surrounds than the current situation. However, in addition to screening provided by existing landscape features such as the woodland to the north-east and the hill to the south-west, extensive landscaping has also been proposed by the appellant. This would further assist in the assimilation of the proposal within the rural surrounds both from immediate and long distance viewpoints.
9. In this regard, a Landscape and Visual Assessment (LVIA) has been prepared in respect of the proposal. It concludes that the proposed amenity building would have a neutral effect on the landscape character due to its enclosed positioning within the existing caravan park. With regard to the touring pitch aspect of the development, it overall concludes that the limited height of the caravans, coupled with the proposed planting within and around the site, would result in negligible to no change to the landscape character, overall leading to a neutral effect.
10. 25 viewpoints have been established within the LVIA, representing a range of views of differing distances, directions and elevations. A neutral effect is concluded for 17 of these, with a slight adverse effect to 7 of these, changing to neutral following the first year and the establishment of the planting. It further concludes a slight adverse effect to 1 viewpoint, changing to slight beneficial following the first year and establishment of planting.
11. The Council has raised a specific issue with the conclusions regarding viewpoints numbered 13 – 14 in the LVIA, from the A56, and viewpoint 15, from the public footpath west of Moor Gate Farm. I concur with the Council that the site is not merely glimpsed from the A56, but rather is visible for a stretch of that road, and receptors would include not only road users but users of the footpath and connected rights of way with views in this direction.

12. While the proposal may not be completely screened from these viewpoints, it remains that the intervening distance and planting proposed would ensure that the overall visual impact would be limited from these viewpoints for the identified receptors. Where the proposal would be visible both in the distance and in the more immediate surrounds of the site, it would be experienced in the context of the distant views of the existing caravan park, so as not to appear out of place. Furthermore, based on the submitted plans and my observations, as the proposed planting in and around the site matures, this would serve to further soften the presence of the scheme. In this regard I agree with the conclusions of the LVIA.
13. The Council has stated that the proposed landscaping would alter the character of the rolling grassed hill, appearing as an incongruous and artificial feature. It states that this would create substantial harm to the immediate setting, but acknowledges that this would only be publicly prominent in distant views. However, I do not find that this would be the case. When viewed at a distance among the rural landscape and numerous elements of planting, grassland and trees, the proposed landscaping would not appear as a visually jarring or out of place feature, nor would it unduly disrupt the appreciation of the wider rolling hills. Overall, both in the distance and in the more immediate surrounds of the site, it would respect and reflect the character and appearance of this area.
14. For the reasons given, the proposal would not harm the character and appearance of the area. As such, it would comply with Policies ENV1, ENV2 and WRK5 of the Pendle Local Plan Part 1 insofar as they seek to ensure that development safeguards the landscape character of the area, contributes to a sense of place, and that proposals for tourism, leisure and cultural activities do not have a significant detrimental effect on the character of the area.

Other Matters

15. Interested parties have concerns that the proposal would result in adverse harm to living conditions of surrounding residents with regard to noise and privacy, in addition to having negative impacts regarding traffic. The intervening distances would ensure no impact from the proposal regarding overlooking of residential properties. In addition, any noise likely to result from the amenity building and its ability host gatherings would be controllable by way of a planning condition, with additional noise from the increased pitches assimilating with, and representing an overall modest increase to, the existing use of the site. While the proposal may result in increased traffic, the level of increase would not be so significant as to cause harm in this regard.
16. Some objectors are also concerned that the proposal would adversely affect tourism in the area. However, given the use as holiday accommodation within an established caravan park I do not find that this would be the case, and that conversely local tourism could benefit from the proposal. The Council did not find unacceptable impacts in these regards and, based on my observations, I have no reason to disagree.

Conditions

17. I have had regard to the conditions suggested by the Council. The appellant has been given the opportunity to comment on these, including those which

are drafted as pre-commencement conditions. The response received has been taken into account.

18. I have attached the time limit condition and a condition relating to plans and the approved layout in the interests of certainty and proper planning. A condition is necessary to restrict the use to holiday use as other uses, such as residential, may have different effects to that considered.
19. A condition requiring minimum parking and turning spaces to be provided is necessary in the interests of the living conditions of future occupiers, with conditions that there is no vehicular access to the site from the access road to Bashfield Farm and requiring facilities for the cleaning of vehicle wheels during the construction period are necessary to protect highway safety.
20. I have also attached a condition in relation to the implementation of the landscaping scheme, in the interests of character and appearance, while a condition relating to the approval of any external lighting is also necessary for the purposes of character and appearance and ecology. A condition ensuring the measures of the preliminary ecological assessment are adhered to is also required in the interests of ecology and wildlife, while a condition restricting the use and noise levels of the facilities building ensures no adverse impacts to the living conditions of nearby occupiers.
21. I have also attached conditions relating to: carrying out the proposal in accordance with the drainage assessment; and ensuring no development takes place until a surface water sustainable drainage strategy and construction surface water management plan has been approved by the Council. Further conditions include a site-specific Operation and Maintenance Manual for the surface water drainage system and a site-specific verification report for the surface water sustainable drainage system being approved by the Council prior to first use. These are all necessary in the interests of flood risk.

Conclusion

22. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed in accordance with the conditions in the attached schedule.

C Rafferty

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin 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 Drawing No. 2022-29 400 Rev C dated 9 May 2022;
Site Layout As Proposed Drawing No. 2022-29 1255 Rev D dated 10 February 2022;
External Works Layout Drawing No. 7325/020 Rev 3 dated 24 December 2021;
External Works Sections Drawing No. 7325/021 Rev P4 dated 7 February 2023;
External Works Layout (Phase 2) Drawing No. 7325/030 Rev P4 dated 7 February 2023;
External Works Sections Phase 2 Drawing No. 7325/032 Rev P3 dated 7 February 2023;
External Works Sections Phase 2 Drawing No. 7325/033 Rev P4 dated 7 February 2023;
Extent of Proposed Works Plan Drawing No. 7325/034 Rev P3 dated 7 February 2023;
Landscaping Scheme – Key Plan. Drawing No. 22062 LP-0-01 Rev. 1 dated 13 February 2023;
Landscaping Scheme – Legend, Notes & Planting Schedule. Drawing No. 22062 LN-0-01 Rev. 1 dated 13 February 2023;
Landscaping Scheme – Planting Plan 1 of 4. Drawing No. 22062 PP-0-01 Rev. 1 dated 13 February 2023;
Landscaping Scheme – Planting Plan 2 of 4. Drawing No. 22062 PP-0-02 Rev. 1. Dated 13 February 2023;
Landscaping Scheme – Planting Plan 3 of 4. Drawing No. 22062 PP-0-03 Rev. 1 dated 13 February 2023;
Landscaping Scheme – Planting Plan 4 of 4. Drawing No. 22062 PP-0-04 Rev. 1 dated 13 February 2023.
3. There shall not be more than 46 touring caravan pitches and 1 amenity/ shower block within the approved application site and they shall be laid out in accordance with the approved plan Site Layout As Proposed Drawing No. 2022-29 1255 Rev D dated 10 February 2022.
4. The caravan pitches shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.
5. Provision shall be made within the site for the parking of not less than one car per caravan pitch, together with a turning space such that vehicles serving may both enter and leave the site in a forward gear, in accordance with the approved plans. The caravan pitches hereby approved shall not be occupied unless and until the access, parking and turning areas have been laid out, surfaced and made available for use and the parking and turning area shall thereafter

remain free from obstruction and available of parking and manoeuvring purposes at all times thereafter.

6. There shall be no vehicular access to the site from the access road to Bashfield Farm.
7. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
8. The approved landscaping scheme or an alternative landscaping scheme that has first been submitted to and approved in writing by the local planning authority, shall be implemented in its entirety within the first planting season following the commencement of the use of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.
9. The development shall be carried out and operated in full accordance with the mitigation and compensation recommendations of the Preliminary Ecological Appraisal Report by Collington Winter Environmental dated September 2022. Prior to the siting of any caravans on the approved application site a scheme for the installation of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved scheme prior to the commencement of the use of the development and maintained thereafter.
10. Prior to the installation of any external lighting at the site, details of the lighting, to include the type, size, wattage, location, intensity and direction, shall be submitted to and approved in writing by the local planning authority. Any external lighting shall at all times be installed and maintained in strict accordance with the approved details.
11. The facilities building hereby approved shall be for the use of people accommodated at the caravan site only and there shall be no amplified music played within the facilities building at any time unless details of volume control measures and hours of operation have first been submitted to and approved in writing by the local planning authority. The use of the building shall thereafter be in strict accordance with the approved details.
12. The development hereby permitted shall be carried out in full accordance with the Flooding and Drainage Assessment by CoDa Structures dated October 2022. The measures specified in assessment shall be fully implemented prior to the first use of the development and in accordance with the timing/ phasing arrangements embodied within the scheme, unless otherwise agreed in writing

by the local planning authority in consultation with the Lead Local Flood Authority.

13. No development in any phase shall take place until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed surface water sustainable drainage strategy shall be based upon the approved site specific flood risk assessment and indicative surface water sustainable drainage strategy and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 35% climate change allowance
- iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance,

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

14. No development shall take place until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

15. Prior to the first use of the development a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

16. Prior to the first use of the development a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a

suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in accordance with approved details.

END OF SCHEDULE