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# Appeal Decision

Site visit made on 30 May 2024

**by Elaine Moulton BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> June 2024**

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**Appeal Ref: APP/P1560/W/23/3330616**

**Dovercourt Haven Caravan Park, Low Road, Dovercourt, Essex CO12 3TZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Park Holidays UK Limited against the decision of Tendring District Council.
  - The application Ref is 22/01076/FUL.
  - The development proposed is proposed extension to Dovercourt Holiday Park to provide for the siting of 35 static and lodge-style holiday caravans together with environmental improvements.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. For the avoidance of doubt, where reference is made in this decision to paragraph numbers they are taken from the latest version.

## Main Issues

3. The main issue is whether the proposed development would result in the loss of safeguarded open space and its effect on the character and appearance of the surrounding area.

## Reasons

4. The appeal site is next to Dovercourt Holiday Park, a safeguarded caravan site. A narrow strip of publicly accessible green space adjoins the north boundary of the site beyond which is a residential estate. To the east of the site is West End Lane which leads to West End Lane Car Park from which the Essex Way public footpath can be accessed. Beyond West End Lane are sports fields over a large area.
5. The scrubby coastal land of the site, in combination with undeveloped land of similar characteristics to the south, provides a stark contrast to the built-up urban area of Dovercourt offering a spacious and open buffer between it and the North Sea.
6. The Council's Open Space Strategy identified three typologies of open spaces across the district which led to the designation of areas of Safeguarded Open Space (SOS). The appeal site forms part of one such designated SOS. It is thereby protected by Policy HP4 of the Tendring District Local Plan Section 2

- (LP2) which sets out criteria that must all be met if development leading to the loss of the whole or part of designated SOS is to be permitted.
7. The appellant has suggested that the site does not appear to accord with the aims and objectives of the open space designation because it is not publicly accessible land and, in part, has been damaged due to anti-social behaviour. As referred to by the Inspector examining the Local Plan, when the soundness of Policy HP4 was affirmed, land, in private ownership providing natural and semi-natural greenspace within or adjoining a wider parcel of land, has been included within designated SOS. Designation as SOS is, therefore, not dependent on the space being publicly accessible. Furthermore, paragraph 103 of the Framework, which seeks to protect existing open space, sports and recreational land from being built on other than in certain circumstances, makes no reference to such land being accessible. Consequently, I am in no doubt that the appeal site, designated as open space, should be afforded the protection provided by such local and national policy.
  8. Policy HP4 requires that, if the development is to be permitted, any SOS lost should be replaced by the provision of a new site at least equal in quality and size, and accessible to the same community. The appellant considers that the formation of a managed nature reserve on land to the south of the appeal site, as proposed, would satisfy this requirement. However, the nature reserve would also be on land within the designated SOS. Given that Policy HP4 seeks to prevent the loss of SOS, and the proposal would result in a reduction in its overall size, I find that the proposed nature reserve is not a new site which accords with criterion a) of Policy HP4. I acknowledge that the formation of the nature reserve would increase the extent of the SOS that would be accessible to the public. Nevertheless, as I have referred to above, that is not a prerequisite for designation as SOS and, accordingly, it does not lead me to a different finding in this regard.
  9. The proposal would fundamentally alter the appearance of the site, through the introduction of static caravans, internal roads, and parking. The naturally regenerated scrubby shrub, grassland, and trees within the site, which placed it within the natural and semi-natural greenspaces typology and contributed to its designation as part of the SOS, would be lost. Structural and tree planting is proposed on the periphery of the site, and the most visually prominent trees within it would be retained. Nonetheless, the position and proposed layout of the site would bring development closer to West End Lane and to the residential development to the north and would constitute a significant encroachment into the buffer. Consequently, it would erode the spacious and open character of part of the SOS.
  10. I accept the conclusions of the submitted Landscape Statement, that the impact of the proposal on views will at most be moderate at year one and slight adverse at year 15. Furthermore, I recognise that the Council's Tree and Landscape Officer considers that the development will not cause significant harm to the local landscape character and that soft landscaping would help to soften and screen the development helping it to assimilate into its setting. Even so, the encroachment of development into the SOS, even if only glimpsed, would change its character from natural and semi-natural greenspace. It would no longer be of the typology of open space that led to its inclusion in the SOS designation. The proposal would thereby materially undermine the amenity value of the SOS.

11. Therefore, in the absence of any robust evidence that there is a surplus of this typology of open space in the area, I find that the proposal would not satisfy criterion d) of Policy HP4 as the proposal would result in the loss of an area important to the visual amenity of the SOS.
12. Even if I were to agree with the appellant that the landscape effects of the proposal would be very limited and neutral, it remains that the proposal is contrary to Policy HP4 given that all the criteria would not be met.
13. Accordingly, the development would result in the loss of SOS and would harm the character and appearance of the surrounding area. As such, it is contrary to LP2 Policy HP4 which seeks to protect SOS. It is also contrary to Policy SP7 of the Tendring District Local Plan Section 1 and LP2 Policies PPL3 and SPL3, which require new development to preserve and enhance the quality of existing places and their environs and prevent overriding harm to the character and appearance of the rural landscape. Furthermore, it is contrary to the similar aims of the Framework, particularly those set out in paragraphs 103, 135 and 180.

### **Other Matters**

14. Based on the evidence before me, the appeal site lies within a defined Zone of Influence for Essex Coastal Habitats Sites. However, because the scheme is unacceptable for other reasons there is no need for me to consider the implications of the proposal upon such designated sites as would otherwise be required by the Conservation of Species and Habitats Regulations 2017.
15. I have found the proposal to be contrary to a relevant policy and, as such, the proposed extension of a safeguarded holiday park onto adjoining land is not supported by LP2 Policies PP11 and PP8.
16. I note that part of Dovercourt Holiday Park has been included within the SOS designation. I do not, nevertheless, agree that this denotes that the proposed development, which I have found to result in the unacceptable loss of SOS and to be harmful to the character and appearance of the area, is acceptable in land use terms.
17. The proposal would contribute to the ongoing viability of the business and, in this regard, would adhere to paragraphs 84 and 145 of the Framework which set out support for a prosperous rural economy. There is, however, no substantive evidence that suggests that the future viability and operation of the business would be reliant on the income derived from the proposed additional static and lodge-style holiday caravans. Neither is it clear that there is an undersupply in the area which the proposal would address in full or in part.
18. My attention has been drawn to an appeal decision relating to Abbey Farm Caravan Park which allowed additional holiday caravans. In that case the Inspector considered that the support given to a prosperous rural economy in the Framework amounted to the very special circumstances needed to justify inappropriate development in the Green Belt. However, it differs from the one before me as it is apparent that evidence of a financial need for the business to generate additional revenue, and relating to the financial viability of the business, was before that Inspector. Such evidence has not been provided in this case. Therefore, it is not possible to draw comparisons to this appeal to the

extent where the weight to be given to that decision is sufficient to alter my findings.

19. I have had regard to the appellant's description of anti-social activity on the site and the damage that has caused. However, no compelling evidence has been advanced to suggest that the proposed use is the only way to prevent such activity recurring. Hence, there is no basis to conclude that the granting of planning permission would be less harmful, and therefore preferable, to what would arise should planning permission be withheld.

### **Conclusion**

20. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

21. Accordingly, I conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR