



Appeal Decision

Site visit made on 2 July 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal Ref: APP/A3010/W/24/3339216

**Wayside And Land To The West, Haughgate Hill, North Wheatley,
Nottinghamshire DN22 9BD**

- 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 Mr Richard Manklow of Wayside Farm CS Ltd against the decision of Bassetlaw District Council.
 - The application reference is 23/01143/FUL.
 - The development proposed is change of use of land for creation of 25 grass pitches for use by touring caravans, campervans and tents with erection of facilities block and creation of new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form states that the description of development has not changed but a different wording has been used in the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, I have used the description from the decision notice in the banner heading above as it more succinctly describes the appeal scheme and is the description used by the Council.
3. The Council's decision notice refers to the 2011 adopted Bassetlaw Core Strategy and Development Management Policies Development Plan Document (the DPD). This has been superseded by the Bassetlaw Local Plan 2020-2038 which was adopted in May 2024 (the Local Plan). In my judgement, while there are differences between the policies in the DPD and the Local Plan, they are not materially different insofar as they are relevant to the main issues. Furthermore, the appellant was provided with an opportunity to provide comments on the Local Plan¹ and the Council referred solely to this in its statement which the appellant has seen. I have referred to the Local Plan in my assessment of the proposal.
4. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.

¹ Letter dated 3 June 2024

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on highway safety;
- whether the development would be consistent with national and local planning policies relating to flood risk; and
- whether the proposal would provide a net gain in biodiversity.

Reasons

Character and Appearance

6. The appeal site lies within a predominantly gently undulating arable landscape with field boundaries denoted by relatively intact hedgerows and hedgerow trees. Villages and scattered groups of farm buildings are present within the landscape, many of which are served by narrow hedge lined roads.
7. The site does not appear to be farmed and is therefore different to the surrounding agricultural fields in that respect. The rolling topography foreshortens views towards and outwards from the western edge of North Wheatley. Consequently, there is limited intervisibility between the site and the village. The site is separated from the village by the A620 road. In my view therefore, the site makes a relatively limited positive contribution to the setting of the village. Nevertheless, it shares some of the characteristics of the surrounding area in terms of the undulating and open rural landscape and boundary hedgerows and has some value as countryside regardless of whether it has a specific designation.
8. The site falls within an area defined in the Bassetlaw Landscape Character Assessment (LCA) as Mid Nottinghamshire Farmlands Policy Zone 03: Beckingham. The Council identifies that a recommendation of the LCA is that the open rural character of the landscape be conserved by concentrating new development of appropriate design and scale around the existing settlements of Beckingham, Saundby and North Wheatley.
9. The site slopes upwards to the north from Haughgate Hill. Caravans, campervans, and tents using the pitches in the southern part of the site would be seen against the backdrop of the small cluster of buildings at Wayside when viewed from the west and reasonably well associated with them visually when viewed from the east, including when traveling along Haughgate Hill. Given the lower lying nature of this part of the site, the existing boundary hedge along the road would provide some screening. There appears to be no reason why this could not be supplemented to soften the appearance of the development that would be located here.
10. However, as the northern part of the site is elevated it is more visible in the surrounding area. Existing vegetation and the additional planting proposed would therefore be less effective in screening views of the components in this northern area, which would remain prominent in views from within the surrounding area, mainly due to the open and elevated position. In addition, any caravans, campervans, and tents would be seen more widely across the neighbouring agricultural land rather than associated with the cluster of

buildings at Wayside. Caravans, campervans, and tents, with their associated vehicles and paraphernalia, would encroach into an undeveloped area, substantially altering its character and appearance. This would result in a harmful urbanising effect that would diminish its visual qualities.

11. I note the changes that the appellant made to the proposal to seek to address the Council's concerns. Touring caravans, campervans, and tents are transient in nature and so the pitches would not always be occupied. However, the site would contain a permanent building, and there would be a gravel and grit road to serve the lower part of the site and gravel grid drives to serve the upper area. The site would therefore retain a somewhat developed character even when some of the pitches are unoccupied.
12. I therefore conclude that the proposal would harm the character and appearance of the area. Consequently, it would conflict with Policies ST8, ST10 and ST35 of the Local Plan which seek to protect the character of the landscape. There would also be conflict with Policy 2a of the Sturton Ward Neighbourhood Plan Review 2021-2037 (the Neighbourhood Plan) which requires development proposals to protect the positive attributes of the open countryside and landscape character amongst other matters.

Highway Safety

13. Based on the Council's assessment, the proposed access would require a 215 metre visibility splay in both directions from a point 2.4 metres from the kerb of the access, unless it can be demonstrated (by way of survey) that 85th percentile speeds adjacent to the access are lower than the 60mph speed limit. The appellant's supporting document identifies that a road traffic survey was undertaken over two days in August 2023, including a Bank Holiday. The survey included information on the speed of vehicles, recorded using an AI assisted read from a mobile phone. This data indicates that the 85th percentile speed of both east and west bound traffic was below 60mph.
14. Nevertheless, even if this data was acceptable to the Highway Authority for the purposes of defining visibility splays, I am unable to determine whether those indicated on the proposed block plan are shown in full. Furthermore, the plan does not show the visibility splays as being measured to the nearside kerb of the main highway. Visibility splays should normally be measured in this way to allow for vehicle overtaking when assessing visibility to the left-hand side. The left-hand visibility splay could be measured to the central point in the highway if vehicles approaching from the left are unable to cross the centre line. However, there are no features preventing vehicles from crossing the centre line on the approach to the site.
15. There are several relatively tall trees on the highway verge which may fall within the visibility splay if it was to be plotted to the nearside kerb. However, without a plan showing appropriate visibility splays, it is not possible to determine what effect the roadside trees would have on visibility at the site entrance, and whether any of these trees would need to be removed to ensure adequate visibility.
16. Overall, therefore it is not clear from the evidence before me that the necessary visibility splays would be achieved. Without further clarity on this matter, I cannot conclude that the proposal would be acceptable in this regard.

17. Although there is not a defined footpath between the site and North Wheatley, there is a wide highway verge along the short distance of Haughgate Hill that would need to be used by pedestrians. At the junction of Haughgate Hill with the A620, there is a surfaced area which acts as a natural crossing point. At this point pedestrians could cross the A620 with reasonable visibility of approaching vehicles from both directions. Based on the evidence before me, I am not persuaded that a kerbed footway on the route identified by the Council would markedly alter the walking/cycling environment to North Wheatley.
18. Bringing these points together, I am satisfied that the proposal has not made insufficient provision to cater for pedestrian and cycle demand that may be generated. However, because of the uncertainty about the provision of appropriate visibility splays, I conclude that the proposal would result in an unacceptable impact on highway safety. Accordingly, it would conflict with the highway safety requirements of Policies ST8, ST10 and ST53 of the Local Plan and paragraphs 114 and 115 of the Framework.

Flood Risk

19. There is no dispute between the main parties that the site lies within Flood Zone 1, which is at lowest risk from flooding. Nonetheless, footnote 59 of the Framework states that in Flood Zone 1, a site-specific flood risk assessment (FRA) should accompany all proposals involving sites of one hectare or more, which is the case with the appeal scheme. The Planning Practice Guidance (the PPG) reiterates this requirement and sets out that the assessment should demonstrate to the decision-maker how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its users. The PPG provides further advice on the scope of FRAs.
20. I appreciate that a sustainable drainage system is proposed. However, no FRA has been submitted in support of the proposal. I therefore conclude that the proposal is not consistent with the requirements of the Framework in assessing the flood risk posed by developments or Policy ST50 of the Local Plan and Policy 4 of the Neighbourhood Plan which support the same approach.

Biodiversity

21. Policy ST38 of the Local Plan requires all new development to make provision for net biodiversity gain. The policy itself does not specify what would comprise a net gain or the metric to be used to assess this although the supporting text states that use of the latest statutory biodiversity metric will be supported to evidence applications.
22. The application was accompanied by a Preliminary Ecological Appraisal and Bat Survey² (PEA). This indicates that the site has a relatively low ecological baseline value, being predominantly amenity grassland.
23. The proposed block plan indicates that several of the existing trees would be retained, and new trees and native hedges would be planted. Across the site as a whole there would be further opportunities for biodiversity enhancement in between the access tracks, toilet block and grass pitches.

² Prepared by Archer Ecology Ltd, October 2023

24. While the PEA recommends that a dedicated biodiversity assessment is undertaken, given its findings on the biodiversity value of the site and the size of the areas around the sections that would be developed, I am satisfied that a net gain could be achieved. On this basis, it would be reasonable for the details and delivery of biodiversity net gain to be secured by a planning condition.
25. Accordingly, subject to such a condition, I conclude that the proposal would provide a net gain in biodiversity. As such, I find no conflict with Policy ST38 of the Local Plan as summarised above, or the biodiversity net gain requirements of Policy 2b of the Neighbourhood Plan and paragraph 180 of the Framework.
26. The Council also refers to a conflict with Local Plan Policies ST8 and ST10. These policies do not include a specific requirement for biodiversity net gain. Amongst other matters, they require that proposals for the growth of rural businesses have no adverse impact on biodiversity and that the scale of visitor accommodation is proportionate to its setting and location, in terms of its impact on biodiversity. For the same reasons as given above, the proposal would not conflict with these requirements. I therefore find no conflict with Policies ST8 and ST10 of the Local Plan in so far as they relate to biodiversity.

Other Matters

27. The surrounding area may be popular with visitors and the site would be reasonably well located in relation to visitor attractions and close to the facilities in North Wheatley. The application form states that two full time equivalent jobs would be created. In addition, the proposed development would provide benefits to the local economy through increased visitor spend and indirectly through the supply chain. However, given the scale of the development, and while noting the statistics presented by the appellant, which are based on general figures rather than being specific to the proposal, these benefits are unlikely to be of a substantial magnitude. Nevertheless, they weigh positively in favour of the proposal.
28. As identified by the appellant, Policy ST10 of the Local Plan and Policy 7 of the Neighbourhood Plan provide support for visitor accommodation including camping and touring caravan sites. However, this support is not unqualified. The policies include criteria to be met, including that the scale of development is proportionate to its setting and location in terms of its impact on landscape and highway safety; that it is adequately screened; and that it would not cause unacceptable harm to the character and appearance of the natural and historic assets. In addition, the Framework supports sustainable rural tourism and leisure developments which respect the character of the countryside. For the reasons given, these requirements would not be achieved in this instance.
29. While noting the references to the sustainability measures proposed, very limited details are provided. I do not therefore afford such matters very significant weight.
30. The appellant contends that the site was considered as a site of potential development, referring to appendix G of the Neighbourhood Plan. However, appendix G is framed in the context of a 'call for sites' consultation, with only one site in North Wheatley being allocated for development.
31. The appellant has identified local support for the proposal, but this does not in itself render the scheme acceptable. I appreciate that the Council awarded a

grant for the development. However, this process is separate to the Council's role as a local planning authority. The Council's submission of suggested conditions is standard appeal procedure which does not affect the Council's position in relation to the proposal. I note the concerns expressed about the Council's handling of the planning application, but in determining this appeal, I am only able to have regard to the planning merits of the case.

32. None of these other matters alter or outweigh the harm that I have found.

Conclusion

33. I am satisfied that the proposal would provide a net gain in biodiversity and would be appropriate in terms of catering for pedestrian and cycle demand that may be generated. However, there would be some harm to the character and appearance of the area. Furthermore, I am unable to conclude that it would be possible to develop the site as proposed without unacceptable harm being caused to highway safety in terms of visibility, or that the proposal would be consistent with national and local planning policies relating to flood risk. These are matters of overriding concern and to this extent there would be conflict with the development plan when considered as a whole. Therefore, the appeal should be dismissed.

F Wilkinson

INSPECTOR