



Appeal Decision

Site visit made on 9 July 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/X2410/W/24/3339147

High Meadows Farm, Melton Road, Barrow Upon Soar, Leicestershire LE12 8HX

- 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 Bill Finney Snr against the decision of Charnwood Borough Council.
 - The application Ref is P/23/0478/2.
 - The development proposed is the retention of single storey shop and cafe building and retention of 2 No storage sheds.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of single storey shop and cafe building and retention of 2 No storage sheds at High Meadows Farm, Melton Road, Barrow Upon Soar, Leicestershire LE12 8HX in accordance with the terms of the application, Ref P/23/0478/2, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's evidence refers to policies contained within the emerging Local Plan¹. However, I have not been provided with details of the precise status of those policies, the status of the plan nor details of whether there are any unresolved objections to them. As such, I have not afforded these policies any significant weight in the determination of this appeal.
3. At the time of my site visit, I saw that the development was substantially complete and I have dealt with the appeal on that basis.
4. The description of development in the banner heading above has been taken from the Council's decision notice, on the basis that it accurately and clearly describes the development and I have assessed the appeal on that basis.

Main Issue

5. The main issue is whether the appeal site is an appropriate location for the development having regard to development plan policies.

Reasons

6. The appeal site is a caravan and camping site containing a number of permanent holiday units as well as spaces for touring caravans and camping.

¹ Charnwood Local Plan 2031-37 Pre-Submission Draft July 2021

The site has a large, gravelled parking area as well as a toilet/shower block and the shop and café subject to this appeal.

7. Policy CS10 of the Charnwood Local Plan 2011 to 2038 Core Strategy Adopted 9th November 2015 (CS) relates to rural economic development and supports the sustainable growth and expansion of business in rural areas providing that the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside.
8. Policy C1 of the Draft Charnwood Local Plan supports new small scale development in the countryside, where it relates to land-based industry or the small scale sustainable growth and expansion of rural business including new built development where there would not be significant adverse environmental effects. Policy E3 of the Draft Charnwood Local Plan supports development where it provides small scale, sustainable growth and expansion of existing businesses in rural areas both through conversion of existing buildings and well-designed new buildings or enables farm diversification where farming remains the dominant element of the business; or relates to the provision of tourism and leisure facilities.
9. Policy BuS19 of the Barrow on Soar Neighbourhood Plan also supports the growth and expansion of all types of business and enterprise in the countryside, through the conversion of existing buildings, well-designed new buildings and sustainable tourism and leisure development is supported subject to certain criteria.
10. Paragraph 88 of the National Planning Policy Framework (the Framework) also seeks to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings. Paragraph 89 of the Framework also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
11. The appeal site is a large and established rural business which has the capacity for a substantial number of tents, caravans and has several permanent mobile homes. A shop and café are not unusual on a large leisure facility such as the appeal site and it is a positive feature for users of the site and would be very convenient for them to use during their stay. Based on the evidence before me, and as witnessed on my site visit, these customers form a significant part of the customer base.
12. The Council consider that the shop and café is not ancillary to the leisure facilities and goes beyond the needs of those staying on the site. However, it is clear that the shop and café is standalone and while whether it is ancillary or not does not appear to be directly relevant to the determination of this appeal, it is clear that these facilities have a very strong link with the surrounding leisure facilities and represents a growth and expansion of the wider business.
13. In relation to visiting members of the public, from outside of the leisure site it is clear that this sort of shop and café is likely to be in a countryside location, outside of a village centre and there is going to be a degree of reliance on a private motor vehicle for access. However, the appeal site is close to the nearby village and as such journeys to and from the village by car would be very short.

14. There is no footway to access the appeal site, however, there is a wide grass verge that follows the road towards the village and a right of way that runs through the appellant's land, both of which provide some access by walking. The short distance makes this an attractive option. While access by walking would be limited to daylight hours as these routes are unlit, it is unlikely that the shop and café would be open outside of daylight hours and I note that this is not proposed. The distance to the village is also close enough to encourage cyclists to easily access the site.
15. Overall, I consider that the development represents a clear expansion of the wider leisure facilities within the countryside that causes no detriment to the character and appearance of the countryside. While there would be a degree of reliance on private motor vehicles, this is mitigated by the short distance to the village and access by walking and cycling.
16. I therefore conclude that the appeal site is an appropriate location for the development. I find no conflict with Policies CS1 and CS10 of the CS, Policy BuS19 of the NP, Policies DS1 and SC1 of the emerging Local Plan and the Framework. Amongst other things, these seek to support small scale sustainable growth and expansion of rural business and support sustainable tourism and leisure development.

Other Matter

17. I note that there is housing allocation within the emerging Local Plan would bring the built up limits of the village closer to the appeal site. However, the emerging Local Plan has not been adopted so there is no guarantee that this housing would come forward. I have therefore not had regard to this matter.

Conditions

18. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the Framework and the Planning Practice Guidance.
19. The Council have suggested a condition that restricts the use of the development to Class E (b) of the Use Class Order. However, the development has a small element of retail which includes camping essentials, gifts, cards and seasonal goods which would not be able to be sold with this restriction. The Council have provided no convincing justification as to why the small retail aspect should be restricted. As such, while I have found it necessary to restrict the usage of the development I have also included retail through Class E (a).
20. Therefore, Condition 1 restricts the use for the display or retail sale of goods, other than hot food, principally to visiting members of the public and for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. Condition 2 requires secure cycle parking in the interests of encouraging sustainable transport methods.
21. The Council have proposed a condition restricting the outside display of goods including seasonal goods and products in order to restrict the use to the caravan and camping site. However, for the reasons outlined this would not be reasonable or necessary so I have not included this condition.

Conclusion

22. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be used only for a shop and café within Use Class E (a and b) and for no other purpose, including any other purpose in Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Borough Council.
2. Within six months of the date of this permission, secure cycle parking facilities shall be fully provided and made available for use, in accordance with details which shall first have been submitted to, and approved by, the local planning authority. Thereafter the onsite cycle storage/parking provision shall be kept available for such use in perpetuity.