



Appeal Decision

Site visit made on 17 June 2024

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1/08/24

Appeal Ref: APP/B1740/W/22/3297472

Land at Jubilee Camping, Browns Lane, Damerham SP6 3HD

- 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 & Mrs Burrough against the decision of New Forest District Council.
 - The application Ref is 21/11621.
 - The development is described in the application form as: existing structures on the site associated with the use as a campsite.
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Decision

1. The appeal is allowed and planning permission is granted for the existing structures on the site associated with the use as a campsite at Jubilee Camping, Browns Lane, Damerham SP6 3HD in accordance with the terms of the application, Ref 21/11621, and the plans submitted with it, subject to the following conditions:
 - (i) The development hereby permitted shall accord with the following:
 - Planning Statement dated November 2021
 - Ecological Impact Assessment dated September 2020
 - Site Plan
 - Drawing No. MBN OB/1 - Plans/elevations
 - Drawing No. MBNJCF/2 - Plans and elevations
 - (ii) Other than the existing decorative string lighting, no external lighting shall be installed on the buildings.
 - (iii) The existing decorative string lighting on the buildings shall not be illuminated at the following times:
 - when the site is not in use as a campsite; and
 - between the hours of 11pm and 6am when the site is in use as a campsite.

Preliminary Matters

2. The development subject of this appeal comprises four structures. The appellants say that these are all associated with the use of the land and the wider area as a camp site for a limited period each year.
3. The application form indicates that the development subject of this appeal has already been carried out. Having had the benefit of a site visit, I noted that there are four units on site, in the locations indicated on the plans submitted with the planning application. The units I saw had the design and appearance of those shown on the plans.

4. The appellants say that the units were designed to be moved so that they could be relocated elsewhere when the land is not in use as a campsite. I observed the metal framed base of the two larger buildings and noted that the smaller of the two buildings appeared 'light weight' in their construction. Regardless of whether or not the units are currently buildings for the purposes of section 55 of The Town and Country Planning Act 1990 as amended, permission is sought to permanently retain the units in their current location. I have, therefore, determined this appeal on the basis of operational development comprising four buildings erected in the locations observed at the site visit.
5. The appellants say that the camp site use is permitted by reason of Class B of Part 4, Article 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 2015 Order). This has not been disputed by the Council in its submissions. However, since making the application and the submission of the appeal, there have been changes to the 2015 Order in so far as it relates to temporary recreational campsites. Class BC of Part 4, Article 3, Schedule 2 of the 2015 Order grants permission for the use of land as a recreational campsite for not more than 60 days in total in any calendar year. Notwithstanding this, the development subject of this appeal relates to operational development, rather than a use of the land. Furthermore, the permission granted by the 2015 Order for the use of land as a recreational campsite is still temporary. Accordingly, I am satisfied that the change to the 2015 Order does not result in a material change to the circumstances relevant to this case. I have not, therefore sought the views of the parties on the changes to the 2015 Order.
6. Both the former Class B and the present Class BC permit any moveable structure reasonably necessary for the purposes of the permitted use. The Council does not appear to dispute that such movable structures include structures containing w.c. and shower facilities. There does not, therefore, appear to be a dispute that the 2015 Order would permit the location of the units subject of this appeal on the land for the duration of a permitted campsite use. Indeed, the appellants suggest that the units have been designed with this in mind.
7. In this regard, the Council has drawn my attention to the appropriate assessment that it has undertaken, and decision it has made in accordance with regulation 77 of The Conservation of Habitats and Species Regulations 2017 as amended (the 2017 Regulations) in relation to the use of the site as a campsite. I have been provided with a copy of the unilateral undertaking that results from this process. In short, it requires all waste water resulting from the campsite use to be taken off site to an appropriate treatment works.
8. The Council is satisfied that this mitigates the effect of the campsite use on protected European sites¹ within the New Forest District. In view of this, it does not suggest that the development subject of this appeal has triggered the need for an appropriate assessment to be undertaken, in accordance with regulation 63 of the 2017 Regulations.
9. As the development before me is entirely related to the campsite use, I have no reason to disagree with the Council. I am satisfied that, in determining this appeal, the duty under regulation 66 is not engaged.

¹ Now referred to as the National Sites Network following the Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019.

Main Issues

10. In its reason for the refusal of the application, the Council says that the development is 'unjustified' **and** that it has 'an adverse impact upon the landscape character of the AONB'. This suggests that the Council objects to both the principle of the development and its effect on the character and appearance of the surrounding landscape. Despite this, the policies referred to in the reason for refusal relate only to the second of these matters.
11. Nevertheless, I have identified the main issues in this appeal as:
- whether or not the location of the development is acceptable; and
 - the effect of the development on the character and appearance of the site and surrounding area, having regard to the site's location within the Cranbourne Chase National Landscape.

Reasons

12. The development plan for the area includes part one and part two of the New Forest District Council Local Plan 2016-2036 (NFLP). Whilst the Council's reason for refusal refers only to Policies STR2 and ENV4, the appellants have also drawn my attention to Policy DM13 and strategic objective SO8 of the NFLP. In addition to this, the appellants refer to Saved Policies CS19 and CS21 of the New Forest District Council Core Strategy 2009 (NFCS). I have had regard to these policies in reaching my decision.

Location

13. The appellants suggest that there is support for the development in its current location within Policy DM13 and objective SO8 of the NFLP, as well as from Saved Policies CS21 and CS19 of the NFCS. Although I have only been provided with some extracts of the policies, I note that these support the local tourism industry and tourism as a rural enterprise, as well as permitting visitor accommodation and/or facilities as part of farm diversification projects. This is provided that the development is appropriate to the District's settlements and countryside, and is consistent with environmental objectives.
14. Permission is granted for the campsite use by reason of the 2015 Order, as set out above. The appellants suggest that use of the appeal site and the wider field parcels site as a campsite is a farm diversification enterprise. This is not disputed by the Council. Neither does the Council dispute the policy support for the development, as set out by the appellants.
15. I acknowledge that the development would be permanently retained on the land, whereas the use it is associated with would be temporary. Indeed, this is a point raised by a number of local residents. Nevertheless, based on the evidence before me, I am satisfied that the development is related to a farm diversification enterprise that is supported by the above-mentioned development plan policies.
16. I acknowledge that the land occupied by the buildings has been taken out of agricultural use. Nevertheless, the buildings subject of this appeal occupy a small footprint when compared to the wider field parcels within which they sit. Any effect of the development on the farming of the site is, therefore, limited.

17. Having regard to all of the above, I can only conclude that the location of the development is acceptable and that it is supported by Policy DM13 of the NFLP and Policies CS21 and CS19 of the NFCS.

Character and Appearance

18. The appeal site spans across a number of field parcels within the site that I am told is known as Manor Farm. The site starts at the existing access from Browns Lane and includes the existing access track to two buildings, one used as a shower block and the other as a toilet block. These sit close together forming an 'L' shape, close to a thick band of mature trees. Both buildings have a low pitch, centrally ridged roof and a timber clad exterior.
19. The appeal site then turns to include part of the wider field parcel to the south of the tree band, and is occupied by two smaller timber clad buildings, each with a centrally ridged roof. These buildings are occupied by two separate w.c. facilities.
20. The appeal site is within the Cranbourne Chase National Landscape (CCNL) and, as such, the National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing its landscape and scenic beauty. I have been given very little information about the special character and value of the landscape within which the appeal site sits. Nevertheless, I note that the site is within open countryside close to the settlement of Damerham. Other than the settlement, the area surrounding the appeal site is characterised by large agricultural field parcels enclosed with hedgerow and mature trees, as well as some mature woodland. The appeal site runs across part of an area of woodland (Cress Down Copse). This copse is within the land identified in blue on the plans submitted within the application. The pattern of open field parcels, natural enclosures and woodland contribute to the special character of the area and the setting of the nearby Damerham settlement.
21. Policy STR2 of the NFLP reflects the guidance on National Landscapes² in the Framework, and informs that development should not have an unacceptable impact on the special qualities and purposes of the CCNL. Policy ENV4 requires development to retain and/or enhance the landscape features and characteristics listed. These include:
- The landscape setting of the settlement and the transition between the settlement fringe and open countryside or coast; and
 - Important or locally distinctive views, topographical features and skylines.
22. The Council's case does not concentrate on the two smaller buildings. Although on elevated ground, above both the site access and the two larger buildings, the smaller units are not prominent. This is partly due to their small footprint and size, as well as their location close to the edge of the woodland. In addition to this, the materials used and the means of construction of the buildings are compatible with the rural setting and woodland backdrop. For these reasons, I conclude that these buildings retain the landscape features and characteristics listed in the policy.

² Formerly Areas of Outstanding Natural Beauty.

23. As for the two larger buildings, the Council suggests that these occupy an elevated position in an area of medium-high visual sensitivity. I can agree that these buildings are visible from Browns Lane, but only in a glimpsed view from the site access and the lane. The height of the buildings is also limited, such that they are dwarfed by the backdrop of the band of mature trees on the site.
24. I acknowledge the comments of interested parties, that the development is visible from nearby roads and public footpaths. However, the buildings by no means break the skyline when viewed from public vantage points. Their size, materials and simple means of construction have resulted in development that is not prominent when viewed in the landscape. Neither does the development interfere with topographical features within the site and surroundings. Indeed, the buildings have little effect on the area as a landscape setting to the settlement of Damerham.
25. All things considered, I have no reason to find the development in conflict with the development plan policies mentioned above, including Policy CS19 of the NFCS. Neither do I find conflict with the Framework. The development has an acceptable effect on the character and appearance of the site and surrounding area, including the CCNL.

Other Matters

26. I note the comments of interested parties with regard to the impact of the campsite use and other associated development on such matters as the natural beauty and tranquillity of the area; vehicle, equestrian and pedestrian traffic on the local highway network; public transport links to the site; the privacy of local residents; litter, fumes, noise and disturbance; wildlife; and ancient woodland. Whilst I do not disregard these comments, the use of the land as a campsite and the number of pitches it provides are matters that are not the subject of the appeal before me. These are matters that are the subject of other controls outside of the remit of this appeal. In granting permission for the four buildings on site, I would not grant permission for a larger campsite or for the use of the land as a campsite for a period longer than that already permitted by the 2015 Order. My decision relates only to the four buildings in question.
27. I have not been made aware of any other campsites in the area, such that the grant of permission in this case could be regarded as setting a precedent for similar development in the area. Nevertheless, my decision has been made with regard to the particular circumstances of this case.
28. I note the comments regarding the location of the site within a dark sky reserve. The Council has not, however, objected to the four buildings for this reason, subject to the imposition of a suitably worded condition. On this basis, and having regard to all evidence before me, I cannot identify any reason to reach a different conclusion on this matter.

Conditions

29. I have had regard to the advice in the Planning Practice Guidance: Use of Planning Conditions. I note the conditions suggested by the Council and will impose the plans condition, in the interests of certainty. In view of the location of the development within the CCNL, the suggested condition controlling external lighting on the buildings is necessary. The appellants do not propose

any additional lighting, other than existing string lighting, which is mentioned in the Council's suggested condition. I have, therefore, imposed conditions in line with that suggested by the Council, but with amended wording in the interests of precision and clarity.

Conclusion

30. I have concluded that the development is in accordance with the development plan, when read as a whole. Having had regard to all matters raised, including the comments of interested parties, I have been unable to identify any material consideration to indicate that my determination of the appeal should be made otherwise than in accordance with the development plan. For the reasons given, I conclude that the appeal should be allowed and planning permission should be granted.

J Moss

INSPECTOR