



Appeal Decision

Site visit made on 9 July 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2024

Appeal Ref: APP/M9496/W/24/3336610

Top Riley, Riley Lane, Eyam S32 5AE

- 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 M Belivanis against the decision of Peak District National Park Authority.
 - The application Ref is NP/DDD/1121/1299.
 - The development proposed is change of use from domestic garden to camping pod site.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from domestic garden to camping pod site at Top Riley, Riley Lane, Eyam S32 5AE in accordance with the terms of the application, Ref NP/DDD/1121/1299, subject to the conditions in the attached schedule.

Preliminary Matters

2. Both parties have noted in their evidence that a planning application (planning application reference: NP/DDD/1223/1513) has been granted for a similar proposal after this appeal was submitted. The details of this planning permission are limited in detail. However, it appears from the evidence given by both parties that this planning permission relates to the siting of eight camping pods, in a similar position to those in this appeal. The main difference between the two is that the pods which have been granted planning permission do not contain bathroom facilities within them.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area and whether or not the development would be compatible with its proposed location when assessed against the relevant development plan policies; and,
 - The effect of the proposal on the user experience of the Public Right of Way.

Reasons

Compatibility of the development in its proposed location

4. Top Riley is located on an elevated position above Eyam. The position of the proposed camping pods would be in a large, sloped area of land away from the host buildings which is surrounded by extensive woodland and stone walls.
5. At the heart of the National Park Authority (NPA) objection is their contention that the proposed pods are akin to chalets or lodges, on the basis of their size

and provision of facilities. If that is so, then the development would come into direct conflict with Policy RT3 B (Caravans and camping) of the Peak District National Park Core Strategy Development Plan Document 2011 (PDCS), which states that static caravans, chalets or lodges will not be permitted. However, it is important to note that the accompanying text states that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape.

6. Policy DMR1 (Touring camping and caravan sites) of the Peak District National Park Development Management Policies 2019 (DMP) is similarly permissive of permanent holiday accommodation, stating that exceptionally, the development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact.
7. Policy RT3 (Caravans and camping) of the Peak District National Park Core Strategy Development Plan Document 2011 (PDCS) states that small touring camping and caravan sites and backpacking sites will be permitted, provided that they are well screened. This policy does also state that static caravans, chalets or lodges will not be permitted. However, Policy DMR1 (Touring camping and caravan sites) of the Peak District National Park Development Management Policies 2019 (DMP) notes that exceptionally, the development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact.
8. The proposed camping pods would be of a curved design with a relatively small height, length and width when viewed in the context of the large site area and the tall trees in which they would be situated in and amongst. Furthermore, the patio doors and window to the rear would promote simplicity in their overall design. The eight camping pods would be well screened due to the fall in the topography of the land, the surrounding stone walling and the dense woodland location which encloses the site. Owing to these factors, these pods would be difficult to view in the wider landscape and therefore they would have a minimal impact upon it.
9. A previous appeal decision and other decisions taken by the NPA have been noted. There is very limited detail on the background and reasoning to these decisions. Nevertheless, Policy DMR1 notes that pods are required to be small and simple structures. However, these terms are not defined, and the policy is concerned of the appearance of these structures within the landscape. The Council have further referred to the features of the pods in the appeal decision which they have noted contain a double bed, room for a day bed, a kitchenette and a bathroom. It is clear to me that Policy DMR1 Part C relates to the assessment of the size and simplicity of camping pods and their impact upon the landscape. This policy does note that wooden pod structures may be permitted where this can be located close to the facilities of a farmstead. It does not state however that the provision of internal facilities is unacceptable.
10. As such, in my assessment of this appeal, I have undertaken an assessment of Policy DMR1 and found that the pods proposed in this appeal are small and simple, owing to their overall size in the context of the landscape in which they would be situated, their window features and their siting in a well screened location in which there would be no landscape impact. As such, I give this previous appeal decision limited weight. I do not agree with the NPA's stance that the structures would be akin to chalets or lodges, but even if they were, it

is clear that the development plan allows leeway for such development in unintrusive locations.

11. To conclude, I find that the proposal would be compatible in this location when assessed against the relevant policies, particular in view of the lack of harm to the surrounding landscape. For the above reasons, the proposal does not conflict with Policy RT3 of the PDCS, Policy DMR1 of the DMP or the provisions found within the National Planning Policy Framework (the Framework).

User Experience of the Public Right of Way

12. To access Top Riley and the camping pods subject to this appeal, users would be required to use Riley Lane. Riley Lane begins at the eastern area of Eyam and is tarmacked up to Top Riley for the most part. This lane serves other residential properties and is a bridleway and Public Right of Way (PROW). Numerous passing points of varying quality are located along Riley Lane. As noted during my site visit, these points allow for vehicular traffic to allow users to pass.
13. The provision of eight camping pods, in addition to the other holiday units, residential properties and other general footpath users which utilise Riley Lane would see an increase in the use of this access lane than already experienced, when all occupied at the same time. The reason for refusal offered by the Council states that the increase in vehicular traffic on this PROW would be to the detriment of the quiet enjoyment of the route by walkers and riders. In consideration of this matter, the greatest detrimental effect on the enjoyment of the route would be during the check in and check out time of all of the holiday accommodation located on the site, if all of the users were to arrive at once, or when users leave the site for evening meals. This is when the PROW would be busiest with vehicle traffic entering and leaving the site.
14. However, given the small overall number of proposed camping pods, in combination with the existing uses which utilise this PROW and the relatively high number of passing points located along Riley Lane these movements would be insignificant and would not amount to an increase of traffic or disturbance which would be at such a detriment to the route, even during its busiest periods. Any other additional movements outside of this window would be commensurate with that of the general comings and goings associated with the residential users of the PROW to access their properties who could leave at any point in the day. These would be sporadic and at random which would not create such a level of noise which would cause harm to the quiet enjoyment of the route.
15. More decisively, even if harm was to occur to the PROW, the same number of pods have been approved under planning application reference NP/DDD/1223/1513 by the Council. From the evidence before me, it appears that this application has approved the same number of camping pods as assessed in this appeal. As such, there is a broad similarity in the number of extra vehicles which will use Riley Lane and therefore, a similarity in effect which has been considered as acceptable by the Council in the assessment of this subsequent planning application.
16. As such, the proposal would not conflict with Policy DMT5 of the DMP as it would not increase vehicular traffic along Riley Lane which would be to the detriment of the enjoyment of walkers and riders.

17. The Council have cited Policy T6 of the PDCS. Policy T6 Part A of the PDCS states The Rights of Way network will be safeguarded from development, and wherever appropriate enhanced to improve connectivity, accessibility and access to transport interchanges. The policy then adds that this may include facilitating attractive routes between new developments and the centres of settlements and where a development would affect a right of way, effort should be made to accommodate the definitive route, or provide an equally good alternative as a minimum. This policy would be of little relevance in this appeal as it does not involve improving access to transport interchanges, or to facilitate attractive routes between new developments and the centres of settlements.

Other Matters

18. Comments have been received from interested parties. One comment raises concern of the ownership and access rights of Riley Lane. This is a private matter between the two parties and is not a matter considered by planning. Further comments suggest that the passing places located on Riley Lane would require extensive works. The Council have noted that the provision of detailed design information, which would be secured by condition, would allow an assessment of these works before they are undertaken. I turn to this matter in the conditions section of this decision. The specific effect of the proposal on water pressure to each property is not a planning matter or consideration.

Conditions

19. The Council supplied a specific list of conditions in their statement for my consideration in the event that the appeal was allowed. I have considered these conditions, having regard to the six tests set out in the Framework and amended these as appropriate. The parties were then reconsulted on the use of these amended conditions.
20. In addition to the statutory time condition [1], a condition specifying the approved plans [2] are justified in the interest of certainty. A condition requiring the provision of vehicle parking spaces before the pods are occupied [3] is required to ensure that vehicles can park within the site. I have amended the Council's suggested wording on this matter to make it concise and to meet the six tests in relation to conditions. A condition is required to submit a detailed design of the passing places on Riley Lane [4]. This is necessary to ensure an appropriate surface finish to prevent an unacceptable effect on Riley Lane. A holiday occupation condition [5] is required to ensure that the pods are not occupied as a sole or main place of residence and are kept as holiday accommodation. This has been significantly altered following the suggestion from the Council, however, the broad thrust and intent of the suggested condition has remained.
21. A condition has been included which requires the submission of a planning application for any development undertaken by condition of the 1960 Caravan Sites and Control of Development Act [6]. This is necessary to ensure that the development considered would not undermine the character and appearance of the site.
22. Several conditions were proposed by the Council which have not been included in the attached Schedule of Conditions. The reasoning behind the imposition of a condition for the disposal of highway surface water is unclear. There is no

clear reason why this is necessary as the development would not likely cause additional surface water run off along Riley Lane due to its distance from the lane and the topography difference between the proposed pods and Riley Lane itself.

23. Two conditions were suggested, stating that no camping pod or other structure shall be sited other than in accordance with the plots identified on the submitted plans and that no pod shall be replaced with any other building or structure at any time. In consideration of these conditions, the departure from the form of development approved under this appeal would contravene with the approved plans condition [2] and as such, these conditions are not necessary.

Conclusion

24. For the reasons given above, the proposal complies with the development plan as a whole. There are no considerations which suggest that a decision should be taken other than in accordance with it. I therefore conclude that the appeal should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three 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
 - Block Plan
 - Revised Layout Plan/Tree Survey
 - Pod Style 1
 - Riley Passing Places Drawing No: R.B.22.01
- 3) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 'Block Plan'. Thereafter those spaces shall be retained for the parking of vehicles only.
- 4) Prior to first occupation of any part of the development hereby permitted, the proposed passing places on Riley Lane, as demonstrated on drawing no. R.B22.01, shall have been constructed in accordance with a detailed design which shall have first been submitted to and approved in writing by the National Park Authority.
- 5) The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the National Park Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 6) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no development required by the conditions of a site licence for the time being in force under the 1960 Caravan Sites and Control of Development Act shall be carried out or erected on the site without an application for planning permission having first been made to and approved in writing by the National Park Authority.