



Appeal Decision

Site visit made on 14 February 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/Y2003/W/23/3328688

Walkabout Farm and Willowfields Campsite, Blackmoor Lane off Epworth Road, Haxey, DN9 2LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr / Ms Jonathan / Gabrielle Martin / Taylor against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/515, dated 11 March 2022, was refused by notice dated 21 April 2023.
 - The development proposed is Change of use of land to facilitate the development of a caravan and camping site with twenty three touring pitches, three glamping pods, a field for recreational use by visitors / for camping (10 pitches in school holidays only), caravan storage, use of the existing 'Log Cabin' as short term holiday let, retention of existing toilet and shower facilities, retention of existing stables, retention of existing tractor sheds and storage trailers, car parking and associated surfacing and landscaping".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above was changed with the parties' consent from that originally detailed on the application form to reflect changes to the application. This description matches that used on the decision notice and accurately reflects the appeal scheme.
3. I saw that considerable elements of the appeal scheme are already in place on site and thus planning permission for these elements has been sought retrospectively. I have determined the appeal on this basis.
4. The appellant submits that various caravanning and camping uses have been taking place on the site since 2010 under a series of exemption certificates. Exemptions certificates are not subject to the same considerations and planning policies as an application for full planning permission and it does not follow that granting of an exemption certificate will result in the subsequent approval of planning permission.
5. Within its Statement of Case, the Council has referred to a number of policies within the emerging North Lincolnshire Local Plan. I note this plan is in the process of being examined. From the evidence before me, whilst the emerging policies do not appear to be substantially different from the saved policies, in so far as matters that are in dispute for the purpose of this appeal, given the

stage of preparation and the uncertainty that these policies will not change, I afford these limited weight in the determination of this appeal.

6. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version. Furthermore, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework, the draft Framework does not constitute Government policy or guidance and as such carries limited weight.

Main Issues

7. The main issues are:

- a) the effect of the proposed development on the character and appearance of the surrounding area, including the Isle of Axholme Area of Special Historic Landscape Interest.
- b) whether the appeal site is a suitable location for the proposed development, with particular reference to the spatial strategy for the area.
- c) the effect of the appeal scheme on the Rush Furlong SSSI and Nature Reserve.
- d) the effect of the appeal scheme on the living conditions of nearby residents, with particular regards to noise.
- e) the effect of the appeal scheme on the users of the bridleway.

Reasons

Character and appearance

8. The site lies within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI), a non-designated heritage asset recognised by Policy CS6 of the Core Strategy (CS), which the Council describes as being of national significance. The significance of the asset is its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages and the Isle.
9. The appellant identifies that the appeal site lies within the Early Enclosed Land Zone (EEL) of the ASHLI. Furthermore, the appellant details that the 'The Isle of Axholme Historic Landscape Characterisation Project' report identifies the EEL as being of local significance only. I note that the existing access track is within the nationally significant Ancient Open Strip Field Zone (AOSF).
10. In accordance with Paragraph 209 of the Framework, a balanced judgement will therefore be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. The appeal site is located a short distance outside of the village of Haxey in a countryside location surrounded by farmland. The topography of the area and

existing tree and hedgerows afford some, but ultimately limited, screening of the site and as a result the site is visible from a number of public viewpoints.

12. The appeal scheme, as seen on site and in the submitted plans, consists of a caravan and camping site with twenty three touring pitches, three glamping pods, a field for recreational use by visitors and for 10 camping pitches during school holidays, caravan storage, toilet and shower facilities, stables, tractor sheds and storage trailers with car parking and associated surfacing.
13. Thus, the appeal scheme is of some scale in the context of the rural and open setting. I saw at the site visit that the physical development of the appeal scheme is largely contained within one part of the appeal site, creating a dense and inorganic form of development, with little apparent consideration for the visual effect of the development or the form of the land.
14. The existing screening is limited, and on the basis of the evidence before me I am not satisfied that the various enhancements proposed by the appellant, in particular the planting of a hedge to reinstate an old field boundary and biodiversity enhancements, would substantially reduce the visibility of the appeal site in the surrounding area and adequately mitigate the harm of the appeal scheme.
15. Consequently, I find that the introduction of this unsympathetic development would detract from the open aspects of the area, harming the character and appearance of the area, including the setting of the ASHLI, in conflict with saved policies LC14, DS1 and RD2 of the North Lincolnshire Local Plan (2003) (LP), and policy CS5 of the CS.

Spatial strategy

16. The appeal site is located outside of the development limits of Haxey, and it is therefore classified as Open Countryside. The relevant policies of the LP do not preclude all development in the open countryside but do set out criteria against which proposals should be assessed.
17. Saved policy RD2 of the LP states that development in the open countryside will be strictly controlled. Development will only be accepted in particular circumstances such as, if it is essential for the efficient operation of agricultural or forestry or represents employment related development appropriate to the open countryside.
18. The appellant refers to the appeal scheme as 'employment related development'. However, with regards the detailed criterion of the policy, I have no substantive evidence regarding the availability or otherwise of alternative sites within the development boundaries. The appellant asserts the inherent need for a countryside location for the appeal scheme but even if I were to accept this, the policy also requires that such development should not be detrimental to the character or appearance of the open countryside; and would make the best use of the existing and new landscaping.
19. I have already found that the appeal scheme would harm the character and appearance of the area and while additional planting is proposed as part of the appeal scheme it clearly fails to satisfy the criteria of this policy.
20. The decision notice also refers to saved policy R12 of the LP that refers to new caravan and camping facilities. The policy details three criteria relating to: an

association with existing or proposed recreational and tourist attractions and of a scale appropriate to those attractions; is suitably screened; and that built development is restricted to essential facilities.

21. The appellant provides limited substantive evidence of the schemes compliance with the three criterion of saved policy R12. No specific reference to made to a recreational or tourist attraction beyond a mention of Doncaster Race Course and a general reference to nature, local heritage and some of the previous users of the site, such as those seeking to complete the Duke of Edinburgh Award, nor is it demonstrated that the scale of the appeal scheme is related to those attractions. I note that camping does provide a lower cost form of accommodation in comparison to a hotel, but I am not satisfied that the recreational and tourist attractions referred to by the appellant satisfy the criteria of saved policy R12.
22. I have previously referred to the limitations of the existing and proposed screening. Furthermore, I am not persuaded that the facilities on the site have been restricted to essential facilities only, in particular I note the references with regards the justification for and retention of existing stables, storage trailers and sheds but I am not satisfied that this demonstrates the essential need for these facilities.
23. For the reasons detailed above I find that the appeal scheme would fail to comply with the spatial strategy for the area and thus is contrary to saved policies R12 and RD2 of the LP.

The SSSI

24. Saved policies LC2 and LC4 of the LP sets out that development which is likely to affect SSSIs will be subject to special scrutiny and seek to protect sites of local nature conservation importance. Furthermore, saved policy LC5 refers to protected species and their habitats and CS17 of the CS largely echoes these policies.
25. The appeal site lies immediately adjacent to the Rush Furlong Site of Special Scientific Interest (SSSI). The Council also details that Lincolnshire Wildlife Trust manage land that includes a local wildlife site, the boundaries of which extend beyond the boundary of the SSSI and includes an area of lowland meadow priority habitat.
26. It is not at dispute between the parties that the appeal scheme would result in additional visitors to the appeal site and that some of these visitors will access the SSSI and surrounding land. Indeed, the appellants own statement of case identifies that "The site has excellent access to the adjacent nature reserve and the surrounding countryside which offers a variety of opportunities for enjoying the natural environment and exploring local heritage".
27. The appellant has submitted a report titled 'SSSI Impact Assessment' which identifies that that the appeal scheme may impact upon the SSSI through recreational disturbance as a result of the increased use of the site by residents of the appeal site, an increase in fouling and disturbance of ground nesting birds by dogs, accidental fires and effect of vehicles on the verges of the access track. The assessment details that this is of a low magnitude and of minor adverse significance.

28. Mitigation is proposed in the form of strengthening of boundary hedgerows to manage access to the SSSI and the provision of an information pack that would, amongst other matters, advise against taking dogs into the SSSI, and include seasonal restrictions on campfires and barbeques.
29. The appellant's assessment details¹ that, with this mitigation, the residual impact is negligible and the residual effect neutral. I am aware that Natural England have not commented upon these conclusions and previously raised concern that the appeal scheme may impact upon the SSSI for the reasons identified in the appellants assessment.
30. The proposed mitigation relies upon users of the campsite adhering to an advice pack that the appellant details will be given to them upon arrival and that the details of which could be controlled by a suitably worded condition.
31. However, I am not satisfied that the effect of the mitigation measures can be adequately delivered through the provision of an advice pack and standing rules at the camp site. consequently, the residual effects of the appeal scheme are likely to be greater than those identified by the appellant.
32. As such, it has not been demonstrated that the appeal scheme would not harm the SSSI and local wildlife site and thus I find that the appeal scheme is contrary to saved policies LC2, LC4, LC5 of the LP and CS17 of the CS in this regard.

living conditions

33. As detailed previously, the appeal site is located a short distance outside of the village of Haxey and the access track, Blackmoor Lane is adjacent to residential properties. Saved policy DS1 specifically to all development not having an unacceptable loss of "amenity" to neighbours.
34. The appellant has submitted a Noise Impact Assessment (NIA). The assessment details that, in the absence of amplified music on the site, the principal source of noise resulting from the appeal scheme is from road traffic accessing the site.
35. The NIA identifies that the increase in noise level would not exceed 3 dB² at the closest noise sensitive receptor with up to 60 vehicle movements per hour, this is a higher rate of vehicle movements than is actually anticipated and the increase in noise level is considered to be negligible, concluding that "under peak conditions the noise levels would be expected to be below the level at which adverse impacts would be expected".
36. The Council has raised concerns as to the validity of the assumptions underpinning the NIA including, the type of vehicles used in the assessment, the noise that could be generated by vehicles passing over gravel, the enforceability of the noise managed plan and other matters.
37. However, I note that the appellant's Statement of Case details that the noise survey undertaken on 22 June 2023 included sample measurements of a caravan towed by a Land Rover on Blackmoor Lane, this appears to be a reasonable basis upon which to assess the noise impact of the use of the track.

¹ Table 2 SSSI Impact Assessment

² Noise Impact Assessment table 5

38. With regards the noise management plan, It would be necessary to place conditions on any planning permission resulting from this appeal and I have not been provided with any substantive evidence to suggest that such a condition would not be enforceable or that the noise management plan would not be effective.
39. I am satisfied that the NIA provides a reasonable assessment of the likely noise effects of the appeal scheme and that conditions can reasonably control the noise mitigation measures contained within the proposed 'site rules' and the 'site management plan', the restriction of external amplified and live music and the prohibition of petrol/diesel powered external generators can also be controlled by condition.
40. On the basis of the evidence before me I am satisfied that, subject to appropriately worded conditions, the appeal scheme would not harm the living conditions of nearby residents, with particular regards to noise and thus is, in this regard, not contrary to saved policy DS1 of the LP.

Users of the bridleway

41. The appeal site is accessed along an unmade track, a significant section of which serves as a bridleway and otherwise provides access to the adjacent fields. I saw at the site visit that the track is potholed in places, with an uneven surface and standing water in parts. In this regard the track is of a character and appearance typical of many agricultural areas, and I saw at the site visit that there are other such examples in the local area.
42. The decision notice refers to policy CS25 of the CS, that amongst other matters, supports a range of transport modes and improves accessibility for all. The National Planning Policy Framework (the Framework) details³ that "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails".
43. While the track is not particularly narrow, it is narrow in a number of places and there are no formal passing places. Furthermore, I saw at the site visit that the verge does not always offer a suitable refuge for pedestrians or horses to avoid any passing cars.
44. The appeal scheme is described as incorporating twenty-three touring pitches, three glamping pods, a field for recreational use by visitors / for camping (10 pitches in school holidays only), caravan storage, use of the existing 'Log Cabin' as short-term holiday let. As such the appeal scheme would result in an increase in traffic using the bridleway and thus the potential for conflict between users of the bridleway and cars accessing the appeal site.
45. In support of the appeal, I note that the appellant's site rules propose arrival and departure times to limit any conflict between vehicles on the track and that the Council's highways consultee has not objected to the appeal scheme. A negatively worded condition detailed by the consultee would require the provision of access, parking and turning facilities prior to the proposed development being brought into use.

³ Paragraph 104 National Planning Policy Framework

46. However, the appellant details⁴ that the access lane, and thus bridleway, is not within the appellant's ownership and as such are unable to propose enhancements to the bridleway or maintenance of the lane itself.
47. To conclude this main issue, the appeal scheme would result in an intensification of the use of the track to the detriment of the users of the bridleway. As such, the appeal scheme would fail to promote the continuation and improvement of the public right of way on part of the access track and is thus contrary to policy CS25 of the CS and the provisions of the Framework.

Other Matters

48. The appellant details that there are a number of environmental, social and economic benefits of the appeal scheme, including employment opportunities, investment in the local economy, opportunities for social interaction, investment in the environmental and the provision of a low carbon form of holidaying. Furthermore, I note the positive experiences of those who have stayed at the appeal site before. Nonetheless, I do not consider that these matters outweigh the harm I have identified previously.

Conclusion

49. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Mr M Brooker

INSPECTOR

⁴ Paragraph 5.18 and 6.27 Statement of Case, DLP planning Ltd, august 2023