



Appeal Decision

Site visit made on 17 October 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal Ref: APP/D1265/W/24/3341727

Fancys Farm, Glacis, Portland, Dorset, DT5 1FR

- 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 Mrs Illsley of Arrowbase (Portland) Ltd against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/04321.
 - The development proposed is change of use to form camping, caravans, tents and motorhomes from Easter to end of October.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area;
 - the Isle of Portland to Studland Cliffs Special Area of Conservation; and
 - the safety and free flow of traffic on the surrounding highway network.

Reasons

3. The site forms a part of Fancys Farm; a small scale community farm which is situated on an elevated and exposed area of headland, accessed via Glacis. The site is adjacent to the South West Coast Path and close to a network of public rights of way (PROWs). The site also forms part of a Scheduled Monument¹, designated for the surviving remains, both above and below ground, of an early warning radar station of RAF Portland constructed between 1950-51, of which there are limited similar survivals. Also in close proximity of the site is The Verne Citadel, a Scheduled Monument and complex of listed buildings which was once a coastal defence battery.
4. The proposal seeks permission for the use of the site, albeit not all of the land within the control of the appellant, for camping and tourism purposes for the period Easter to October inclusive each year. The evidence suggests that there would be space for up to 37 pitches.

Character and appearance

5. The area has characteristics consistent with the wider landscape area as defined in the *Weymouth and Portland Landscape Character Assessment*

¹ Listing Reference: 1021032

(2013) including its exposure, lack of tree cover, openness, distinctive features and other more detrimental manmade features. Through a combination of its elevated, coastal setting, the heritage and relic military features both on site, adjacent, and in the wider area, and the open, green spaces in between, the surroundings are special and intriguing.

6. The proposal would introduce a variable-sized collection of manmade structures, vehicles and domestic paraphernalia onto a site which is highly visible from the South West Coast Path and from the network of PROWs and publicly accessible spaces in the surroundings. In my view, this would lend to the site having a cluttered and ramshackle appearance which would be concentrated within a confined space. The site would be enclosed by the chain link boundary fencing, relic of its former military use, but which is visually permeable and would offer limited screening potential that would be better provided by landform, trees and hedges. Whilst I appreciate that none of these features would be sited on a permanent basis and that there would be months of the year when such features were entirely absent, this would not offset the harm during the active months when there are greater numbers of visitors and other visual receptors taking in the landscape and its views.
7. The appellant opines that the proposal would not block any specific views of the coastline, but in my view, the generally open nature of the site is one of the positive contributions it makes to the area. The visual changes associated with the site becoming a seasonal campsite would undermine the openness of views towards and back from the coast and undermine the ability to understand the relationship of the site to its coastal setting and between features on the site itself.
8. Drawing the above together, the proposal would be harmful to the character and appearance of the area, contrary to Policy ST1 of the Portland Neighbourhood Plan (PNP) (2021) which seeks to ensure that tourism proposals outside of settlements promote the unique characteristics of the area and do not lead to significant loss or damage to any of the Island's natural assets including landscape character, amenity, historic environment, views, ecology. For similar reasons, the proposal would also conflict with Policy ENV1, ENV10 and ECON7 of the West Dorset and Weymouth and Portland Local Plan (Local Plan) (2015) which, amongst other things, collectively seek to protect the area's exceptional landscape and seascapes.

Isle of Portland to Studland Cliffs Special Area of Conservation

9. The application site adjoins the Isle of Portland to Studland Cliffs Special Area of Conservation (SAC). The Isle of Portland Site of Specific Scientific Interest shares all of the interest features of the SAC and would be similarly affected. The separate effects on the Chessil and Fleet European Site (SPA) are addressed separately below.
10. The SAC is a single unit of cliff coastline of approximately 40 km in length from the detached peninsula of Portland at its western end to Studland at the eastern end. The cliffs are formed largely of hard limestones, with some chalk at the eastern end, interspersed with slumped sections of soft cliff comprising sand and clays. The cliffs are characterised in areas by species-rich calcareous grassland, supporting rare species including wild cabbage (*Brassica oleracea* var. *oleracea*), early spider-orchid (*Ophrys sphegodes*), Nottingham catchfly (*Silene nutans*), and important long-standing populations of early gentian

Gentianella anglica numbering several thousands of plants. Semi-natural dry grassland also occurs in both inland and coastal situations on both chalk and Jurassic limestone. Transitions from calcareous grassland to both chalk heath and acid grassland are also present. The SAC has well-developed terricolous and saxicolous lichen and bryophyte communities associated with open turf, chalk rock and pebbles, and flinty soils. There is Supplementary Advice to the Conservation Objectives for the Isle of Portland to Studland SAC published by Natural England which identifies disturbance from human activity, as potentially detrimental to the SAC's interest features.

11. Natural England's advice also indicates that the appeal site itself is capable of supporting SAC quality habitat. The submitted Ecological Survey also supports this theory with a high quality limestone grassland with a large number of Dorset Notable species found on site. As such, the importance of the site is therefore elevated to supporting habitat for the SAC and the impacts of recreational activities within the site also need to be considered.
12. Whilst there is generally a lack of information on the scale of recreational impacts on the SAC in the locality of the development site, the very close proximity of the application site to the SAC is likely to result in increased recreational use of the SAC by visitors. Visitors may undertake recreational activities in the surroundings, including walking/dog walking, cycling/mountain biking and holding BBQs and campfires. These activities, and any litter leftover on the SAC from the same, alone or in combination, have the ability to erode the habitats on and change the extent and distribution of vegetation, including the supporting habitat on the appeal site, which, in turn, would undermine the quality of the SAC habitat.
13. The Ecology Survey infers that the use of the site itself over the last three years for camping purposes has had a beneficial effect on the diversity of species as it has removed the field from the rotational grazing use by horses with associated poaching in the winter months. However, this evidence is limited in nature and does not in itself qualify that the use of the SAC supporting habitat as a campsite is a net benefit to the SAC overall.
14. As such, in the absence of robust evidence to the contrary, the proposal will have an adverse effect on the SAC. As a consequence, the proposal would conflict with Policy ENV2 of the Local Plan and Policy Port/EN0 of the PNP which do not support proposals that will adversely affect the integrity of European Sites.

Highway effects

15. There are two options to reach the access road, Glacis, involving using New Road or Verne Hill Road. The former is suitable for all types of traffic, but the latter is particularly steep, appears more narrow than ideal for two-way traffic and has a challenging bend. The access road to the site, Glacis, is also narrow and has some challenging bends and constraints which limit forward visibility in places.
16. The wider site has been used as a community farm which has generated some traffic, varying with visitor numbers over the season. The evidence also details that heavy goods vehicles of different types also access the wider site to deliver animal feeds and bedding without problem. It is also suggested that camping has occurred on the site since 2020, although there is little evidence

of the intensity of the use to gauge how many trips were generated by this use additional to the baseline use of the site as a community farm.

17. Following liaison between the appellant and the Highway Authority, the Highway Authority considered that the impact on the highway network would be sufficiently minimised if the proposal were limited to exclude caravans and motorhomes; limit the pitches to no more than 25 (instead of 37); provide adequate visibility splays at the access; ensure that arrivals and departures do not conflict with the ongoing use of the community farm and detail the parking arrangements for both uses.
18. In respect of the visibility splays and parking arrangements, in my view, these aspects could be readily addressed. Similarly, the arrival and departure times of any staying guests could be conditioned to avoid interaction with vehicle movements associated with the opening hours of the community farm.
19. From the Highway Authority response, it appears that the appellant would reduce the pitch numbers to 25. As there is an absence of an explicit instruction on this point, I have taken the appeal proposal as the up to 37 pitches applied for, but note the suggested agreement on this point. The appellant would also exclude towing caravans from the permitted vehicle types on site, however, seeks to retain motorhomes. The appellant opines that despite these vehicles typically being wide, many have accessed the site and surrounding area without difficulty. This is particularly so as the appellant's have instructed visitors to approach the site via New Ground and to ignore satellite navigation systems that encourage them to drive via Verne Hill Road.
20. In my view, it is likely that some increase in the use of motorhomes accessing the site via New Ground could occur without causing material harm to highway safety. Therefore, taken overall, whilst not all of the details required by the Highway Authority are before me, through other mitigation measures accepted by the appellant and with the resolution of some aspects by condition, the proposal would not materially harm the safety or free flow of traffic on the surrounding highway network. The proposal could therefore accord with Policy COM7 and COM9 of the Local Plan which seek to create and maintain a safe and efficient transport network and ensure that adequate parking is made available for new developments.

Other Matters

21. The evidence details that camping has occurred on the site at some level since 2020. No fallback exists for the use to be carried out on the site of a Scheduled Monument under the General Permitted Development Order 2015 (as amended) which may have previously been the case. I understand that separate Scheduled Monument Consent has been granted and that Historic England appear supportive of the scheme on the basis that it would attract additional visitors to the designated heritage asset and have taken this into account.
22. The site is within 5km of the Chessil and Fleet European Sites (Special Protection Area, Special Area of Conservation and Ramsar Sites) (the European Sites) which are designated for features including the saltmarshes and reedbeds that support over wintering bird species such as the Dark Bellied Brent Goose *Branta bernicla*. In Spring and Summer, the area is also an important breeding ground for the Little Tern *Sterna albifrons* which feed in

the shallow waters of the lagoon. The site also provides a habitat for bird species which breed elsewhere, such as Wigeon *Mareca Penelope*.

23. Natural England have advised that development which results in an increase in population within 5km of the European Sites may contribute to an unacceptable increase in recreational pressures on the features of the designated area. Natural England have provided a series of interim measures which they consider likely to provide the mitigation necessary to avoid the unacceptable impacts upon the European Sites, including the employment of wardens, fencing off protected areas and reviewing the watercraft permit system. To contribute towards the range of these measures, the proposal for 37 pitches for 7 months of each year would trigger a mitigation fee of £4,412.45. No legal agreement has been provided to secure this mitigation payment, although the appellant has latterly agreed to pay it in the event that planning permission were forthcoming. However, as the appeal is failing for other reasons, this matter is not determinative.
24. The second reason for refusal also notes that the site is within the locally designated Verne Yeates Site of Nature Conservation Interest (SNCI). The submitted Ecology Survey suggests that the site is outside of, but close to the SNCI. I have limited information on the features of interest of the SNCI or the potential effects of the proposal. However, as the proposal is failing for other reasons in any event, this is not a determinative matter.
25. I have taken into account the supportive comments from local residents and the support from the Parish Council, the latter of which is caveated on the basis that the proposal should receive the support of the Highways Authority. I have also taken note of the more casual, low-level wild camping and parking facility at New Ground.
26. The appellant opines that the proposal could support the community farm which may otherwise face closure. Whilst I do not dispute the challenges involved in sustaining such an enterprise, I have limited evidence to suggest that the proposal is the only means to secure its future.

Conclusion

27. Insofar as it would harm the character and appearance of the area and fail to avoid harm to the integrity of the SAC, the proposal would conflict with the development plan when taken as a whole. The ability to avoid harm in highway terms is a neutral factor that does not weigh in favour or against the proposal.
28. The public benefits of the proposal would result from the economic boost from increased longer-stay visitors to the area. I attribute modest weight to these economic benefits.
29. However, the public benefits and other considerations do not collectively outweigh the conflict with the development plan such as to indicate that planning permission should be granted other than in accordance therewith.
30. Accordingly, the appeal should be dismissed.

H Nicholls

INSPECTOR