



Appeal Decision

Site visit made on 29 October 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/B3030/W/24/3345687

Land Reference number 2587, Southwell Road, Oxton Hill, Southwell, Nottinghamshire NG25 0RN

- 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 A Smith against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/01333/FULM.
 - The development proposed is Change of use of land for leisure/tourism including siting of 6 No. Glamping pods, 2 No. Yurts, amenity building and car parking area.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of land for leisure/tourism including siting of 6 No. Glamping pods, 2 No. Yurts, amenity building and car parking area at Land reference number 2587, Southwell Road, Oxton Hill, Southwell, Nottinghamshire, NG25 0RN in accordance with the terms of the application, Ref 23/01333/FULM, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application form uses the following address 'Southwell Road, Oxton, Southwell NG25 0RN' which fails to include a specific reference to the appeal site. Therefore, I have used the address contained within the decision notice in the banner heading above.
3. The appellant and the Council would be content for the description of development to be amended to include reference to a reception pod. However, the Interested Parties have not been given the opportunity to comment on this change and were I to make it that would lead to procedural unfairness. For that reason I have determined the appeal on the basis of the description of development as set out in the application form.
4. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Main Issues

5. The main issues are:

- Whether the appeal site is a suitable location for the development, having regard to local and national policy.
- The effect of the proposal on the character and appearance of the surrounding area.
- The effect of the proposal on the living conditions of neighbouring occupants with regard to noise and disturbance.

Reasons

Location

6. The appeal site is a large, irregular shaped parcel of land located in the open countryside. It is close to the village of Oxton and benefits from existing vehicular access from the B6386.
7. Core Policy 7 of the Amended Core Strategy 2019 (the ACS) recognises the economic benefits that tourism provides to the district including tourism accommodation. The policy provides support for tourism development insofar that proposals should meet one or more criterion.
8. The proposed development is for the siting of 6 glamping pods, 2 yurts and an amenity building with a car parking area. I accept that the nature of glamping is that it is in a rural setting and therefore the proposal has a functional need to be located in the countryside. Additionally, it is likely that the appeal scheme would provide employment opportunities in the locality. The Council also acknowledge that there is a need within the district and surrounding areas of Southwell for tourist accommodation as outlined in the Southwell Destination Management Plan 2018. Consequently, the appeal scheme meets multiple of the criterion outlined in Core Policy 7.
9. Policy DM8 of the Newark and Sherwood Allocations and Development Management DPD 2013 (the DPD) outlines exceptions regarding development in the open countryside. Particularly DM8(12) which relates to tourist accommodation.
10. DM8(12) outlines, amongst other things, that tourist accommodation will be supported where it is necessary to meet identified tourism needs. As identified above, there is a need for tourism accommodation within the district.
11. The nearby settlements of Southwell and Oxton are within approximately 5 miles of the appeal site. The B6386 is a busy road and has no dedicated pavement or street lighting, therefore it is unlikely to be used by methods other than by private car. Nevertheless, there are existing off-road footpaths (albeit not direct) and the possibility of cycling to these settlements could be used as an alternative to a car. The latter would be encouraged considering the cycle provision that has been incorporated into the appeal scheme. Therefore, considering the nature of glamping pods and their typically remote locations, the appeal site is in a relatively sustainable location.
12. My attention has been drawn to the route from the appeal site to Southwell including Oxton Hill which is a sharp bend. Whilst this may lead to some

tourists deciding not to cycle to Southwell due to safety concerns, this does not suggest that the proposed development as a whole is not a suitable location.

13. There are no immediate tourist attractions near to the appeal site except for settlements like Southwell and therefore the reliance to travel to attractions is likely. However, as highlighted above, this is not unreasonable considering the nature of the proposed development.
14. The lack of on-site food and drink facilities is also not unreasonable because it is likely that guests may bring some food of their own considering the camping nature of the site. This is further supported by the proposed glamping pods which include washing up facilities as do the Yurts. However, even if guests were to travel by vehicle to the locality for meals, this would provide an economic benefit to the local area.
15. My attention has been drawn to other similar holiday accommodation close to the appeal site. I do not have the full details of these developments before me. However, each case is determined on its own merits. Nevertheless, there is no compelling evidence before me to suggest that the demand for tourist accommodation is being met by the district nor that these other developments have resulted in harm to highway safety.
16. Therefore, considering the identified need for further tourist accommodation in the district, the proximity of settlements to the site, the remote nature of glamping as well as the footpaths and cycle provision encouraged by the development, the appeal scheme would constitute sustainable rural tourism and comply with Spatial Policy 7 and Core Policy 7 of the ACS and Policy DM8 of the DPD. These policies seek to ensure, amongst other things, that development is in a suitable and sustainable location including the use of existing footways and bridleways.

Character and Appearance

17. The Newark and Sherwood Landscape Character Assessment SPG 2013 (LCA SPG) identifies the appeal site as being located within the Mid-Nottinghamshire Farmlands Policy Zone (MN PZ 37): Halam Village farmlands with Ancient Woodlands area (the MNF). It is characterised by a gently undulating landscape with medium distance views to frequently wooded skylines but often enclosed by vegetation such as woodland and hedgerows.
18. The proposed pods are characterised by rounded features and would be constructed in natural timber. Thus, they would reflect the undulating nature of the landscape. The yurts would be dark green and would therefore assimilate with the immediate farmland landscape. Additionally, the buildings would not be prominent in terms of scale or massing. Furthermore, the two parcels of woodland that are within the appeal site would remain untouched by the appeal scheme. Consequently, the proposed spacious layout would provide a sympathetic and rural development which would conserve the overarching characteristics of the MNF. Consequently, the proposal accords with the LCA SPG.
19. The proposed position of the pods and yurts would be a considerable distance from the highway. However, they would not be cited beyond the existing access road that runs alongside the appeal site and would be similar in

position to that of Far Leys. Accordingly, the appeal scheme would relate positively to the existing buildings near the site and would not encroach upon the open countryside.

20. The proposed dog exercise area would not include any paraphernalia which would detract from the open and rural context of the development. Moreover, the addition of pathways through the site would be low key hard landscape features and the type of surfacing could be controlled by condition. The parking facilities and bin store would be located toward the entrance of the site. The retention of the existing boundary hedge can be secured by condition and would provide an adequate level of screening of the parking facilities from the highway. This could be secured by an appropriate condition and therefore, the site would retain its significant rural characteristics.
21. In conclusion, the appeal scheme would not result in significant harm to the character and appearance of the surrounding area. Therefore, it would comply with Spatial Policy 7, Core Policies 7, 9 and 13 of the ACS and Policies DM5 and DM8 of the DPD insofar that it would achieve a high standard of development which would respect and assimilate the landscape and character of the area.

Living Conditions

22. The appellant has proposed a Site Management Plan (SMP) which the Council deems would be sufficient to manage noise and disturbance emitted from the development on the site as well as the supervision of dogs that may use their designated exercise area. Moreover, it also outlines restrictions regarding the number of guests per accommodation unit, outdoor music and lighting, fires/barbeques/fireworks as well as the use of the waste bins. Additionally, adequate mitigation measures regarding anti-social behaviour and the prevention of large bookings such as stag/hen parties are proposed.
23. The Council have highlighted that whilst the SMP refers to 24/7 management with one of the pods being used as a reception/office building this is not reflected on the plans. I have explained above why the description of development cannot be amended to refer to an additional reception pod.
24. The SMP refers to on-site management 'at all times'. As the Council point out, the use of one of the glamping pods as accommodation for a site manager would not be consistent with the occupation of the pods as holiday accommodation. However, the SMP specifically refers to the use of the pod as a reception/office. Such a use would be consistent with the use of the site. Any additional pods or buildings to facilitate the on-site management would need to be the subject of a formal application to the Council.
25. Adjacent to the appeal site are residential dwellings including The Lodge. However, these are a considerable distance from the proposed pods and yurts and the proposed SMP would ensure that the development would not emit an unacceptable level of noise. Consequently, the proposal would not have an adverse impact upon the living conditions of neighbouring occupants and in particular occupants of The Lodge.
26. Therefore, the appeal scheme complies with Core Policies 7 and 9 of the ACS and Policy DM5 of the DPD insofar that the amenity of neighbouring properties will be maintained.

Other Matters

27. According to the submitted flood risk statement the appeal site falls within flood zone 1 and consequently is at low risk of flooding. The Council have not raised concerns regarding flooding and there is no substantive evidence before me to suggest otherwise. Accordingly, I find no reason to disagree with its conclusion on this matter.
28. The Highways Authority have not raised concerns regarding highway safety subject to conditions regarding visibility splays, the provision of site access/driveway/parking and turning areas, access gates and surface materials. There is no substantive evidence before me to suggest that the development would lead to an adverse impact upon highway safety. Accordingly, I find no reason to disagree with its conclusions on this matter.
29. The Council have not raised concerns regarding privacy or the overshadowing of neighbouring properties. The pods are of a sufficient distance from neighbouring properties and therefore despite the slight raise in ground level they would not result in an adverse impact upon the privacy of neighbouring properties. Furthermore, the proposed buildings and structures are single storey and in conjunction with their siting they would not result in the overshadowing of neighbouring properties.
30. The appeal scheme provides a designated bin facility and consequently littering from the use of the site would be minimised. There is no substantive evidence before me to suggest that the appeal scheme would result in odour, unsanitary conditions or the spread of disease. Additionally, the Council have not raised concerns regarding either of these issues nor in relation to a lack of infrastructure (water supply, sewage facilities). The proposal provides a package treatment plant that the Council considers would be adequate for the site. Therefore, I find no reason to disagree with its conclusions on these matters.
31. The site is not located within the green belt and the Preliminary Ecological Appraisal has been carried out by a professionally qualified ecologist. The appraisal does not find any evidence of greater crested newts on the appeal site. There is no compelling evidence to suggest otherwise. The Council have not raised this as a concern and reason for refusal. Accordingly, I find no reason to disagree with the Council on this matter.
32. There is no compelling evidence before me to suggest that the proposed development would result in guests trespassing upon neighbouring land and as a consequence compromise the security of neighbouring properties or land. Moreover, the on-site management would be able to respond to guests needs regarding directions.
33. Interested parties have raised concerns regarding the possible future expansion of the site or for it to be used as a caravan site for the travelling community. The use of the site for residential accommodation by the travelling community would require a separate planning application.
34. Concerns regarding a decrease in property values and a disregard for land covenants these issues are not principles which the planning system covers and therefore these are not matters determinative for this appeal.

35. I have determined this appeal on the evidence before me and have considered the objections from the Parish Council as well as numerous other interest parties. I have identified above the benefits the appeal scheme would have regarding the provision of local employment opportunities, local spending as well as its contribution to meeting the need in the district for holiday accommodation.
36. My attention has been drawn to a right of way and access across the appeal site. There is no substantive evidence before me with regard to a right of way and therefore this is not determinative for this appeal.
37. Concerns have been raised regarding the lack of footpaths on the site and consequently, that this would result in discouraging any elderly and disabled visitors. Given the appeal scheme is for holiday accommodation it is likely that any future guests will assess the appeal scheme against their personal needs.
38. Finally, an interested party has highlighted that an over 50 age restriction is not implementable. However, the appeal has not been made on this basis. The appeal scheme according to the SMP will have an age restriction 18 years and above.

Conditions

39. The Council has provided a list of suggested conditions which I have considered against the Framework, and advice contained in the Planning Practice Guidance. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
40. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). A condition regarding the submission of details with regard to external materials as well as landscaping (3 and 4) and the maintenance of the soft landscaping (5) is required in the interests of character and appearance.
41. A condition requiring adherence to the approved block plan with regard to parking spaces, driveway, turning areas and the verge crossing is necessary to ensure highway safety (6, 7 and 8). Additionally, a condition regarding the provision of adequate visibility splays is also necessary to ensure highway safety (9) as is the requirement that no gates are to be erected at the access of the development (10).
42. In addition, I have imposed a condition requiring the provision of bicycle storage and electric vehicle charging points to encourage sustainable travel (11 and 12).
43. It is necessary to impose conditions regarding the submission of details of an external lighting scheme and the recommendations of the PEA in the interests of wildlife (13 and 14). A condition requiring adherence to the SMP is imposed to ensure adequate management of the site and ensure an adequate level of living conditions for neighbouring residents (15). In the interests of environmental protection and amenity conditions relating to the provision of a dog bin and bin storage facility are necessary (16 and 17).
44. I have imposed a condition regarding the provision of a package treatment plant to ensure that adequate foul water drainage is provided (18). A condition

preventing the siting of caravans on the site is necessary in the interests of character and appearance as well as highway safety (19).

45. I have imposed conditions restricting the use of the development for holiday accommodation alone to ensure the development remains appropriate for the rural context, in the interests of sustainability and prevent them being used as permanent dwellings (20 and 21). It is also necessary to impose a condition regarding the fencing of the dog exercise area in the interest of the appearance of the development as well as a condition restricting the use of the dog exercise area to the guests of the site to limit the number of dogs as well as preserving living conditions of neighbouring residents (22 and 23).
46. Finally, a condition requiring a register of occupiers for each calendar year is necessary to ensure that the pods are occupied for holiday accommodation and prevent them from being used as permanent homes (24).

Conclusion

47. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 001 (Visibility Splays), 002 (Swept Path Analysis) , 002A (Swept Path Analysis), MSP 1990 005 (Proposed Amenity Pod), MSP 1990 102C (Block Plan), MSP 1990 104 (Proposed Glamping Pod).
- 3) No development above ground level shall take place until samples of all external facing materials for the holiday accommodation pods, amenity pod and yurts have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 4) No development above ground shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) boundary treatments;
 - iii) hard surfacing materials;
 - iv) an implementation programme;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed in accordance with an approved scheme of management.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Prior to the first use as leisure/tourism accommodation the vehicle parking spaces, driveway and turning areas shall be provided in accordance with drawing no MSP 1990 102 Rev C. Thereafter the parking spaces, driveway and turning areas shall be retained for the parking, turning, loading and unloading of vehicles only.
- 7) Prior to the first use as leisure/tourism accommodation details of a verge crossing to serve the site from the B6386 Southwell Road shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first use of the development and retained as such thereafter.
- 8) Prior to the first use as leisure/tourism accommodation details of the bound materials to be used for the access between the highway boundary and the northern extent of the access to the car parking area shall be

submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first use of the development and retained as such thereafter.

- 9) The 2.4m by 1.6m visibility splays shown on plan no. 001 shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
- 10) No gates shall be erected at the access to the development from the public highway on the B6386 Southwell Road for the lifetime of the development.
- 11) No holiday accommodation pods, amenity pod or yurts shall be occupied until space has been laid out within the site in accordance with drawing no. MSP 1990 102C for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
- 12) Prior to the first use as leisure/tourism accommodation details of electric vehicle charging facilities shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first use of the development and retained as such thereafter.
- 13) Prior to the first use as leisure/tourism accommodation details of any external lighting to be used in the development shall be submitted to and approved in writing by the local planning authority. These details shall include a lighting survey undertaken by an accredited lighting engineer to include:
 - i) Location, design and level of brightness and beam orientation;
 - ii) Measures to minimise overspill and light pollution with particular regard to nocturnal species.

The lighting scheme shall be carried out in accordance with the approved details and measures to reduce overspill and light pollution prior to the first use of the development and retained as such thereafter.

- 14) The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal – Final Report dated November 2023. These include:
 - i) Amphibian and reptile method statement;
 - ii) Vegetation Removal outside of the main nesting bird season (March-August inclusive);
 - iii) Should the appeal scheme require any significant arboricultural works, a suitably qualified bat ecologist is to review the proposal and where there is a requirement conduct further surveys to determine the presence/absence of roosting bats.
 - iv) Dark and unlit corridors should be maintained around and across the site to avoid impact upon nocturnal bat activity.
 - v) Should any artificial lighting be introduced on the site this should be directed away from habitats of greatest value to foraging bats, including woodland, scrub, hedgerows and scattered trees. Introduced lighting should be positioned at a minimum of 7m from any such habitats. Mercury or metal halide lamps must also be avoided. The hours of illumination should be restricted to provide a minimum of 8 hours of darkness per night. Introduced lighting

should further comprise a maximum of 1 lux which is comparable to moonlight conditions.

- vi) A pre-works survey shall be completed prior to any ground penetrating activities to determine whether badger setts have become established in the intervening period. Excavations required as part of the works are to be covered overnight to avoid the accidental trapping of badgers and other terrestrial mammals.
- vii) Any excavations required as part of the works shall be covered overnight to avoid the accidental trapping of otters and other terrestrial/riparian mammals, such as water vole and hedgehog.

In the event that evidence of protected species is observed on the site during construction works, such works shall cease and the Council shall be contacted for further advice.

- 15) The Site Management Plan dated June 2024 shall be adhered to at all times.
- 16) Prior to the first use as leisure/tourism accommodation a dog waste bin shall be provided on the site. The bin shall be retained for the lifetime of the development thereafter.
- 17) Prior to the first use as leisure/tourism accommodation details of the design and means of enclosure of the bin storage facility (as shown on drawing MSP 1990 102C) shall be submitted to and approved in writing by the local planning authority. The bin storage facility shall be provided in accordance with the approved details prior to the first use of the development and retained for the lifetime of the development.
- 18) Prior to the first use as leisure/tourism accommodation the package treatment plant shall be provided (as shown on drawing MSP 1990 102C) and it shall be retained for the lifetime of the development.
- 19) No touring or static caravans shall be sited on the site at any time.
- 20) The premises shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 21) The glamping pods and yurts hereby permitted for use as holiday accommodation shall not be occupied by the same person or persons for a total period exceeding 6 weeks in any calendar year.
- 22) Prior to the first use as leisure/tourism accommodation details of the height and design of the fencing enclosing the dog exercise area (as shown on drawing MSP 1990 102C) shall be submitted to and approved in writing by the local planning authority. The fencing shall be provided in accordance with the approved details prior to the first use of the development and retained as such thereafter.
- 23) The dog exercise area (as shown on MSP 1990 102C Block Plan) shall be used by guests staying at the glamping site at the time of use only and shall not be open for general use or bookings at any time.
- 24) The owners/operators of the visitor accommodation hereby permitted shall maintain a register of occupiers for each calendar year, which shall

be made available for inspection by the Local Planning Authority, at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.