



Appeal Decision

Site visit made on 23 December 2024

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

Appeal Ref: APP/M9496/W/24/3351892

Land West of Edale Road, Barber Booth, Edale, S33 7ZL

- 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 Become Wild, Edale against the decision of Peak District National Park Authority.
 - The application Ref is NP/HPK/0923/1055.
 - The development proposed is the seasonal use of land for eco-camping, siting of 3no. bell tents and amenity facilities along with associated access, parking and landscaping with associated ecological enhancements and conservation.
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Decision

1. The appeal is allowed and planning permission is granted for the seasonal use of land for eco-camping, siting of 3no. bell tents and amenity facilities along with associated access, parking and landscaping with associated ecological enhancements and conservation at Land West of Edale Road, Edale, S33 7ZL in accordance with the terms of the application, Ref NP/HPK/0923/1055, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the Peak District National Park

Reasons

3. Paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation landscape matters.
4. The appeal site comprises the northern section of a large field-parcel located off Edale Road in Barber Booth. The site is agricultural in nature, featuring rough grassland. This northern section features mature tree planting and hedgerows on the north, east, and western boundaries. The site slopes upwards from the south from the valley bottom near the River Noe, up towards the Great Ridge/Lords Seat. There are no public footpaths on the development site; however, Chapel Gate public byway forms the southern boundary of the wider field parcel. There is little doubt that the appeal site is located within a wider area notable for its striking topography.
5. The appeal scheme seeks consent for the change of use of the land from agricultural to camping. The use would be seasonal between 1 April to 31 October each year. It is proposed to install three "army green" bell tents in the

northern section of the site. The tents would be accompanied by a small scale and removable shower block, toilet, and hot-tub. These would be located to the rear of the tents and coloured juniper green to blend in with the surrounding landscaping.

6. In opposing the principle of development, the Authority cites conflict with Core Strategy¹ Policy RT3 and Development Management Policies² (DMP) Policy DMR1 which set out the principles by which caravan, and camping applications will be assessed. The Authority refers to section B of Policy TR3 which does not permit *"static caravans, chalets or lodges"*. However, the proposal is very clearly none of these things. The Authority's reliance on part B as opposed to part A, is based on the supporting text to Policy DMR1 which states that *"camping pods, yurts, shepherd's huts etc...have the same potential for adverse landscape impact and therefore they will be determined against Core Strategy policy RT3B"*.
7. There are a couple of issues here. First and as the Courts have consistently ruled, supporting text to development plan policies is not to be construed as policy itself. Second, it is not clear from paragraph 5.20 what is meant by the words "the same". If it is meant to be interpreted as meaning that camping pods, yurts and shepherd's huts have the same potential for adverse landscape impacts as "static caravans, chalets or lodges", I find that to be an extremely contentious position to take. Putting that matter to one side, the proposed development in this case is neither a static caravan, chalet, lodge, camping pod, yurt or shepherd hut but rather three camouflaged, seasonal bell tents which on any assessment would have a very different landscape impact.
8. It seems to me that part A of Policy RT3 and DMR1 is much more applicable to the erection of three bell tents. These allow for small touring and backpack campsites provided, among other things, they are well screened and have appropriate road access. As discussed in more detail below, there is no dispute here that the proposal would be well-screened and have appropriate road access. Accordingly, I find that the proposed development complies with Policies RT3A and DMR1A.
9. Even if I were to agree with the Authority that the scheme should be assessed against RT3B, that would not necessarily lead me to dismissing the appeal. The supporting text to Policy RT3 explains that the overall aim of the policy is to *"enable a range of sizes of types of sites to cater for holidaymakers, provided there is no adverse impact on landscapes and valued characteristics"* (my emphasis).
10. In that regard, the Officer's Report acknowledges:

"It is considered that subject to the development being installed in accordance with the proposed plans, and in compliance with a detailed planting scheduled based upon the proposed landscape plan, that the proposed development would not harm the valued characteristics of the landscape. While they still may be partially visible at glimpsed locations from the south, they would

¹ Full title: Peak District National Park Local Development Framework – Core Strategy Development Plan Document 2011

² Full title: Development Management Policies Part 2 of the Local Plan for the Peak District National Park 2019

constitute small elements within a wider landscape and be successfully assimilated into the northern section of the field parcel.

Subject to the above, it is considered that the proposed development would not have a detrimental impact on the valued characteristics of the landscape."

11. Having undertaken my own site visit I concur that the proposed development would not result in unacceptable landscape effects. Accordingly, even on the Authority's own evidence, there would be no conflict with the aims and objectives of Policy RT3, irrespective of whether the proposal is considered under part A or B of the policy. Similar arguments can be made in respect of Policy DMR1 which is primarily concerned with safeguarding "*the conservation purpose of the National Park*". On that basis, I find it difficult to understand how the Authority logically arrived at the decision to refuse consent.
12. In the absence of landscape harm (the primary objective of the relevant policies) one must ask what sensible planning purpose is served by rejecting a development. For the reasons set out above, I conclude that the proposed development would not harm the character and appearance of the Peak District National Park. Consequently, there would be no conflict with Policies RT3 and DMR1 or Framework paragraph 189.

Other Matters

13. The duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The Appellant submitted a Heritage Statement with the application which concluded that the proposed development would be sensitive to the rural character of the area and would not harm the significance of Edale Conservation Area given its temporary/reversible nature, the proposed rewinding of part of the site, improvements to hedgerows and tree planting.
14. The above conclusions have not been challenged by cogent evidence and therefore I see no reason to take a contrary view. As the effect of the development on the Edale Conservation Area would be neutral there is no need to undertake the balancing exercise required by paragraph 215 of the Framework.

Conditions

15. The Authority has suggested a number of planning conditions without accompanying reasons which I have considered against the advice in the Planning Practice Guidance (PPG). In some instances, I have amended the conditions in the interests of brevity, to avoid repetition or to ensure compliance with the PPG.
16. Those conditions suggested by the Authority covering time limits and the approved plans are necessary to provide certainty. A landscaping condition is necessary to ensure the development is appropriately screened. Highways conditions are necessary in the interests of highway safety. I have imposed a drainage condition relating to the package treatment plant to ensure the site is effectively drained. I do not however consider the suggested condition regarding the disposal of hot tub waste-water is necessary. Such matters are covered by other regulatory processes.

17. Conditions limiting the use to 1 April to 31 October and the removal of certain permitted development rights are necessary to ensure the development does not give rise to additional landscape effects which have not been assessed. However, considering the foregoing I consider the suggested condition regarding the removal of materials to be unnecessary. If these items were to be stored on the land outside of those dates this would require planning permission in its own right. The suggested condition restricting the length of occupation to 28 days is necessary to ensure the tourism benefits of the proposal are maximised. To ensure net gains to biodiversity and to protect trees I have imposed various ecology conditions.
18. In the absence of a reasoned justification, I am not persuaded it is necessary to erect a post and rail fence. I also do not consider it is the role of the planning system to concern itself with how the site will be managed. These are matters best decided by the operator and are subject to the statutory processes through the licencing regime. The dimensions of the shower and toilet structures are clearly shown on plan SD-20.01 rev B and are therefore captured by the plans condition. I have omitted these conditions accordingly.

Conclusion

19. As noted in the Officer's Report the proposed development would not harm the sensitive landscape of the Peak District National Park. Accordingly, there would be no conflict with the objectives of Policies RT3 and DMR1 whatever subsection of the policy is applied. An absence of landscape harm in these areas is however a neutral consideration in the planning balance rather than a benefit.
20. As accepted by the Authority, the proposed development would deliver significant biodiversity enhancements both within the red-line boundary and through the rewilding project³, the finer details of which would be agreed with the Derbyshire Wildlife Trust. These benefits go significantly beyond current and future requirements⁴ and should be afforded significant weight. There would also be benefits to the local economy and increased opportunities for visitors to experience and enjoy the special qualities of the National Park. Collectively, the benefits attract significant weight.
21. For the reasons given above the appeal scheme would represent sustainable development and should be allowed.

D M Young

INSPECTOR

³ To be secured through the Unilateral Undertaking dated 4 December 2024.

⁴ +29.40% in habitat area and +617.79% in linear habitats within the red-line boundary in addition to benefits from the wider rewilding project.

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. SD-00.01, SD-10.04 rev A, SD-20.01 rev B, proposed landscape strategy camping site rev C, proposed landscape strategy entire site (rewilding area) rev D, AMA/21328/SK005 and SD-10.02 rev C.
- 3) Prior to first use of the development hereby permitted, a detailed planting schedule outlining the precise location of planting, in addition to the proposed species, heights, and ongoing management of the planting shall be submitted and approved in writing by the National Park Authority. This planting schedule shall consider ongoing measures to mitigate the impact of ash dieback, including ongoing management and replacement specimens. The planting shall be carried out before the first use of the development. Any trees or plant which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species or in accordance with an alternative scheme previously agreed in writing by the National Park Authority.
- 4) No development shall commence until a Habitat and Management Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall provide details for the creation, enhancement and management of habitats on the site and adjacent to the site post development. Thereafter, the development shall be carried out and the site monitored in complete compliance with the agreed HMMP.
- 5) The development shall be carried out in full accordance with the recommendations outlined within the Preliminary Ecological Appraisal prepared by Archer Ecology.
- 6) The development shall be carried out in accordance with the recommendations of the Arboricultural Survey/Impact Assessment/Method Statement prepared by Elliot Consultancy Limited.
- 7) The development hereby approved shall not be brought into use until the access (including visibility sightlines), parking and turning facilities have been provided as shown on drawing AMA-21328-SK005. The area in advance of the visibility sightlines shall be maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
- 8) There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
- 9) Prior to its installation, the details of the proposed hardstanding at the site entrance shall be submitted to and agreed in writing by the National Park Authority, after which it shall be installed in accordance with the approved details.

- 10) Prior to first use of the campsite, the package treatment plant shall be installed in accordance with 'Foul Water Drainage Feasibility Study Rev D' and maintained in full accordance with the approved details.
- 11) The use hereby permitted is restricted to the period 1st April to 31st October only.
- 12) Notwithstanding the provisions of the General Permitted Development Order there shall be no more than 3 bell tents erected on the site at any time in accordance with the approved plans and no other caravan or tent shall be erected or sited on the land in ownership (edged blue) at any time.
- 13) This permission relates solely to the use of the site for short-let holiday residential use; no tent shall be occupied by any one person for a period exceeding 28-days in any calendar year. The owner shall maintain a register of occupants for each calendar year which shall be made available electronically for inspection by the National Park Authority on request.