



Appeal Decision

Hearing held on 4 February 2025

Site visit made on 4 February 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/A3010/W/24/3354397

**Lakeland House Farm, Ranskill Road, Mattersey, Retford, Nottinghamshire
DN10 5EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant part outline and part full planning permission.
 - The appeal is made by Mr Charles Geoffrey Whittaker of Worldsupreme (Charolais) Limited against the decision of Bassetlaw District Council.
 - The application Ref is 23/00213/FUL.
 - The development proposed was originally described as “Hybrid application which seeks consent for the following at Clearwater Lakes Fishery, Mattersey:
 - Change of use of land for the siting of up to 50 touring caravans including welfare block;
 - Outline permission for a restaurant/café/farm shop building (scale submitted for approval, all other matters reserved) (site area 0.46 hectares); and
 - Full permission for a detached dwelling with fishing tackle/bait/ticket shop with associated site administration offices which would be occupied by the site manager.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has sought full planning permission for all aspects of the development other than the restaurant/café/farm shop building which they have sought outline planning permission for. In relation to the building the description of development specifies all matters are reserved for subsequent approval other than scale. On the Application Form the appellant ticked that ‘layout’ was also a matter which approval was sought for. It is clear from their representations that this is in relation to the siting of the building. I have therefore assessed the building on its scale and siting alone, all other matters I have considered to be indicative.
3. Following the determination of the planning application, but prior to the submission of the appeal, the Bassetlaw Local Plan 2020-2038, May 2024 (LP) was adopted. In accordance with the National Planning Policy Framework (the Framework), the LP is now given full weight. It supersedes the Bassetlaw Core Strategy and Development Management Policies DPD. The Decision Notice specified that the proposal was contrary to Policy ST11 of the emerging Bassetlaw Local Plan (2020-2037) (eLP). During the Hearing, the Council confirmed that LP Policy ST8 is the equivalent of eLP Policy ST11.
4. The Framework was published on 12 December 2024. I sought submissions from the parties on this matter. I have considered their additional submissions alongside

the original representations. On the same date the Government published the results of the 2023 Housing Delivery Test (HDT). The number of houses being delivered in the district continues to be significantly more than the Council's housing requirement. Consequently, it was not necessary to consult the parties on the result as it is not materially different from the 2022 HDT result.

5. Following the Hearing the appellant submitted three plans¹. They confirmed that the wrong set of plans had been submitted with the appeal, and these revised plans were before the Council during the determination of the planning application. This was confirmed by the Council. The difference between the plans is minimal and interested parties were consulted on the revised plans during the determination of the planning application. My assessment is therefore based upon the revised plans.

Main Issues

6. The main issues are:

- Whether it has been demonstrated that there is a justified need for the proposed facilities, with regard to a business opportunity or operational requirements; and,
- whether there is an essential need for a dwelling to accommodate a rural worker.

Reasons

Proposed facilities

7. The appellant has indicated that one of the factors behind the proposal is a reduction in their grazing land requirements due to a change in their cattle business. A fishery was established on the site around 2005, and there are currently three lakes in use. During my site visit I observed that construction works were ongoing in relation to the planning permission² for 43 holiday lodges and the creation of a new fishing lake. The proposal therefore represents an extension of the existing fishery and a further diversification of the wider business.
8. During the Hearing the appellant indicated that they expect the site to be operating at full capacity during summer months (March to October) and at 25% capacity for the rest of the year. Currently there is approximately 25 visitors per day. Once the proposed development, holiday lodges and new fishing lake are operational, the appellant forecasts that the site would accommodate 592 visitors a day at full capacity and 148 visitors per day at 25% capacity. Although the appeal proposal, holiday lodges, and new fishing lake would represent an extension/improvement of the site's existing offering, there is no substantive evidence to support the significant increase in visitors forecasted by the appellant.
9. The proposed restaurant/café/farm shop building has been designed to meet the demand generated by the forecasted visitors. Given the lack of evidence to support the projected increase in visitors, it has not been demonstrated that the scale of the restaurant/café/farm shop building would be necessary.

¹ Location Plan, Drawing No CRB 18, Revision: 10.03.23; Existing Site Layout, Drawing No CRB 19, Revision 10.03.23
Proposed Site Layout, Drawing No CRB 20, Revision 10.03.23

² Planning Permission Ref. 21/01284/FUL

10. The Council is supportive of the provision of touring caravan pitches but has concerns over the scale proposed. The holiday lodges under construction would introduce tourist accommodation to the site. The appellant has indicated that there are high occupancy rates at nearby holiday parks but has not demonstrated whether those parks provide a similar offering to the proposed development and holiday lodges. As such, there is no compelling evidence to indicate that there is a demand for 50 touring caravan pitches alongside 43 holiday lodges at this location.
11. Even if I were to accept the appellant's forecast of visitor numbers, no business plan has been submitted. The appeal proposal represents a significant expansion of the facilities at the appeal site. Without evidence such as projected revenue and costs, and how the works would be financed, it has not been demonstrated that the appeal proposal would be a viable business opportunity.
12. Paragraph 94 of the Framework requires an impact assessment to be undertaken for retail proposals outside town centres if the development is over a locally set threshold. LP Policy ST11 requires an impact assessment to be submitted for retail proposals of more than 100m² gross floorspace outside of designated centres. The proposed shop would have a gross internal floorspace of 160m². The nearest designated centre is Harworth and Bircotes; there is also a cluster of commercial development within Bawtry. LP Policy ST11 seeks to protect small neighbourhood clusters outside of designated centres where they meet day-to-day needs. Therefore, it is necessary to assess the impact of the proposed shop building on nearby centres including Bawtry. However, as per the provision of paragraph 93 of the Framework a sequential test is not required.
13. This area of Bassetlaw is characterised by dispersed rural settlements. Although the proposed shop building is designed to meet the needs of visitors, due to its scale it would attract custom from the local area. Even though the appeal site is approximately 4 miles from Bawtry, the proposal could divert some custom away from local centres. Without further evidence on where people travel to shop and the performance of local retail centres, I cannot conclude that the proposal would not have a harmful effect. As such, the proposal would be contrary to LP Policy ST11.
14. The appellant has indicated there are several other similar facilities in proximity to the appeal site which have a combination of cafés, restaurants and/or shops. It is not clear how or when all of those facilities were permitted. Moreover, some of those facilities are materially different to the appeal proposal as they are converted buildings. As such, the presence of nearby similar facilities does not set a precedent for the appeal proposal.
15. The Framework indicates that planning decisions should help create the conditions in which businesses can invest, recognise the locational requirements of different sectors, and enable sustainable growth and expansion of all types of business in rural areas. The LP highlights the important role of rural businesses in the local economy and notes that planning for a thriving rural economy is essential to ensure that rural businesses grow sustainably. Whilst the appeal proposal would represent an investment in a rural business, the scale of the proposed expansion is significant, and it has not been demonstrated that it would be viable or represent sustainable growth.

16. I conclude that it has not been demonstrated that there is a justified need for the proposed facilities with regard to a business opportunity or operational requirements. Consequently, the proposal is contrary to LP policies ST8 and ST10 which support the growth of rural businesses where there is a proven need and support the expansion of existing development where it is consistent with other policies in the plan.

Dwelling

17. LP Policy ST1 outlines the spatial strategy for the district. In areas outside of the identified development boundaries, the policy supports residential development where it is consistent with other policies in the plan. Although the Council did not refer to LP Policy 32 within the Decision Notice or Delegated Report, it was discussed at the Hearing and LP Policy ST1 cross refers to other policies in the plan. LP Policy 32 supports proposals for new rural workers' dwellings subject to the specified criteria.
18. The appellant highlighted several activities that would need to be undertaken which would require a permanent residential presence on the site. This includes administering first aid to visitors and allowing access to emergency services. They would also need to switch on aerators at short notice during storms and would need to ensure they are effective, otherwise fish may die. These activities could take place at any point of the day. There would also be an increasing need for a 24-hour security presence due to increased activity on the site and the value of the fish. This leads me to conclude that a 24-hour presence on site would be necessary.
19. Nonetheless, one of the holiday lodges under construction could be converted to a rural workers' dwelling. Whilst it may not be in an optimum location for security purposes or welcoming people onto the site, those concerns could be overcome through other measures. There is also a dwelling on the wider site which is occupied by the appellant. They have indicated that they want to reduce their working hours but remain living in the dwelling. Although I acknowledge the appellant's intention, it is within their control to rent or sell the property to a future employee. As such, there are two alternative opportunities to meet the need for a rural workers' dwelling within the wider site, without building a new dwelling.
20. LP Policy 32 also requires that the rural activity has been established for at least three years, has been profitable for one, and is financially sound, and it can be demonstrated to have a clear prospect of remaining so. As above, this has not been demonstrated.
21. The proposed dwelling would be a large 4-bedroom house and each of the bedrooms would have an ensuite bathroom. There would also be multiple reception rooms on the ground floor. Several rooms on the ground floor would be ancillary to the wider business use. Whilst some of these facilities may be necessary, the appellant has indicated that a smaller dwelling would be acceptable. This is an indication that the proposed dwelling would not be of a scale that reflects its functional need.
22. The appellant contended that to recruit a senior manager they would need to provide good and substantial accommodation. There is no compelling evidence that the alternative options for accommodation would not provide a suitable offering.

23. During the Hearing both parties accepted that a planning permission³ for a detached dwelling and an animal welfare/treatment centre, amongst other works had been commenced. Following the Hearing, the Council disputed this but has not indicated why. Based on a letter from the Council dated 10 August 2009 and observations on my site visit, I consider that the permission has commenced.
24. Notwithstanding this, Condition 3 of the permission states “The construction of the dwelling to which this permission relates shall not commence until such time as the agricultural building and the animal welfare/treatment centre included in the permission have been completed and are ready for use.” Neither of these buildings have been built and new buildings are proposed where they would be sited. Within their representations the appellant has also indicated they do not intend to construct the buildings previously permitted. Although an extant planning permission exists for a dwelling at the appeal site, for the reasons given above there is not a real prospect of the dwelling being constructed. Therefore, this does not justify granting permission for a new dwelling.
25. LP Policy ST2 supports the replacement of an existing dwelling. As above, the dwelling has not been constructed and there is no real prospect of it being built. As such, LP Policy ST2 is not strictly relevant in this instance.
26. I conclude that there is an essential need for a dwelling to accommodate a rural worker. However, it has not been demonstrated that this need could not be met by the existing dwelling or conversion of a holiday lodge. For this reason, the proposal would be contrary to LP Policy 32, and due to their interdependence, it would also be contrary to LP Policy ST1.

Other Matters

27. There would be benefits associated with the development including the diversification and extension of a rural business and associated with its operation and the construction of the extended facilities. This includes through increased employment and the improvement of a visitor attraction. The provision of a shop would decrease the number of vehicle movements associated with the holiday lodges as it could service the day-to-day needs of the occupiers. Nevertheless, it has not been demonstrated that the proposal would be viable. Therefore, it is not clear whether these benefits would materialise or be long lasting. Accordingly, I can only ascribe limited weight to the benefits.
28. The appellant has asked me to consider partially allowing the appeal, if I thought that any aspect of the development was acceptable. The proposal was presented as a whole, given the lack of a business plan it has not been demonstrated that any aspect of the proposal would be feasible by itself and could be functionally separated from other aspects. Therefore, I cannot conclude that part of the proposal should be allowed.
29. The appellant did not submit an application for costs; however, they asked me to consider awarding costs against the Council under powers bestowed to me as an Inspector. I do not consider that unreasonable behaviour resulting in an unnecessary or wasted expense has occurred. As such, an award of costs is not warranted.

³ Planning Permission Ref. 31/03/00001, dated 19 August 2003

30. During the Hearing the appellant indicated that they intend to be less involved with the business due to their age and caring requirements. The appeal proposal could achieve this aim but it has not been proven to be viable so this cannot be guaranteed. Moreover, it has not been demonstrated that this outcome could not be achieved by alternative means. I therefore ascribe modest weight to this benefit which does not outweigh the identified harm.
31. In reaching this decision, I have had due regard to the Public Sector Equality Duty set out within the Equality Act 2010. The harm caused by the proposed development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons, and fostering good relations between them and others.

Conclusion

32. The proposal conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Charles Geoffrey Whittaker	Director of Worldsupreme (Charolais) Limited
Mr Michael Briggs	Chartered Town Planner, MDB Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr Satyajeet Pardivalla	Planning Officer
Mrs Amanda Broadhead	Major Projects Manager

INTERESTED PARTIES: