



Appeal Decision

Site visit made on 3 June 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/P3040/W/25/3358676

Land north west of Lammas Farm, Kneeton Road, East Bridgford, Nottinghamshire, NG13 8PJ

- 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 BCH UK Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/00523/FUL.
 - The development proposed is described as the “Mixed use of land to include glamping site, existing vineyard and orchard, and new access and retention of static caravan for managers accommodation.”
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Decision

1. The appeal is allowed, and planning permission is granted for the “mixed use of land to include glamping site, existing vineyard and orchard, and new access and retention of static caravan for managers accommodation at land north west of Lammas Farm, East Bridgford, NG13 8PJ in accordance with the terms of the application, Ref 23/00523/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in my banner heading above reflects that used by the Council in their Decision Notice and the appellant in their appeal submissions. The original application form uses different wording, as does an email exchange which took place between the making of the application and the taking of a decision on it. Despite that, I am satisfied that the description of development which I have used reflects the understood and agreed position between all of the parties, accurately describes what was applied for, what informed parties making their case at appeal, and on what all other parties were consulted.
3. Following their review of the information submitted with the appeal, the Council now accepts that subject to the imposition of appropriate conditions, the issue of whether or not the proposal would have an unacceptable impact on protected species can be satisfactorily addressed. Their third reason for refusal therefore falls away and is no longer an issue in this appeal.
4. Since the Council’s decision on the appeal application, the National Planning Policy Framework (the Framework) was updated in December 2024. Owing to the timetable for this appeal, parties have had the opportunity to address it in their evidence. My decision is therefore taken in light of, and where necessary, refers to paragraph numbers in, the December 2024 version of the Framework.

Main Issues

5. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies.
- The effect of the proposal on the openness and purposes of the Green Belt.
- Whether or not the site is a suitable location on which to retain the existing static caravan.
- The effect of the proposal on the character of the site and its setting.
- If the proposal is inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site lies within the Green Belt. The development plan requires that development proposals within it be determined in line with national policy in the Framework. That sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also requires that substantial weight is given to any harm to the Green Belt.
7. Paragraph 154 of the Framework sets out that development in the Green Belt is inappropriate unless, amongst other things, it is a material change of use in the land, provided it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.
8. The proposal is clearly described as relating to a proposed mixed *use* of land. As such, subject to conclusions on the openness and purposes of the Green Belt, the appeal proposal may not be inappropriate development in the Green Belt.

Openness and purposes

9. The appeal site is extremely well visually screened and contained, with double rows of dense, tall hedging along Kneeton Road, and the orchard areas reinforcing the planting along Oldhill Lane. Although fleeting views into the site are possible through the existing access and in longer views from the north-east, these are extremely limited and do not offer views or sights which are alien or unexpected in a rural area such as this. For example, parked vehicles, trailers, or even the briefly-seen corrugated roof of a shepherds hut are not alien to an area such as this, and are, in any event significantly and substantially smaller in scale, presence and impact than the overarching rural character and appearance of the surroundings and wider views.

10. I accept that the creation of the new access would allow views into the site which are not currently possible. However, as noted, such views would be through a double layer of hedging, and would, primarily be into and of, the leisure area, which would be kept largely open. More distant views of shepherd huts in the site would be possible, but such views would be in the context of a largely open site. The parking area is extremely well screened; from the existing access by the angle of the track and existing planting, and from the wider site by the trees and hedging within the site itself. Should any of the planting offer lesser screening during winter months, any greater visibility into and across the site would be mitigated by the huts and tents being stored indoors during those times. I do not therefore find that the proposal would cause visual harm to the openness of the Green Belt.
11. In considering the spatial aspects of openness I note that the Planning Practice Guidance (the PPG) states that the duration of the development and its remediability may be taken into account. I accept that the positioning of the tents and huts allowed for by the proposed change of use, on parts of, but not necessarily the same parts of the site, each year, but not for the whole of the year brings into question their permanence. However, any effects of the proposal on openness, be that spatial or visual, can clearly be remediated. The cessation of the use would result in the restoration of openness. Whilst the other elements to the proposal, the new access, access track, car park, leisure area, internal paths and the sewage treatment plant are all permanent features, they do not, in my judgement have a harmful effect on the spatial openness of the Green Belt given their nature and characteristics.
12. I must also consider that the site is already being used for the development proposed in this appeal, albeit at a smaller scale, which to my mind, further limits the effect of the proposal on the spatial aspects of openness.
13. Fundamentally, I find that the site will retain the same degree of openness, both visually and spatially as it does at present. Those fixed and permanent elements of the proposal will not harm the openness of the Green Belt, and the portable elements, including the huts, tents and service units, whose location on the site would be enabled by the change of use, would not harm the openness, owing to their size, their obvious impermanence, their moveable nature and the stated intention to keep moving them, and their overall visual characteristics and effects.
14. The retention of the static caravan for use as managers accommodation would not harm either the visual or spatial openness of the Green Belt. As is clear in the evidence, and was plain on my site visit, it is already in situ. Given its proximity to the barn and the obvious existing evidence of its use, I do not consider that its use as proposed, as compared to its current use, would have any greater effect on, and therefore cause harm to, the openness of the Green Belt. In this, I note that it is the clearly expressed opinion of the Council that the static caravan is not a building, but that it does benefit from an authorised horticultural use.
15. Turning to the purposes of the Green Belt, I am satisfied that the proposal as a whole would not conflict with any of them. Whilst I note in particular that one of the purposes is to safeguard the countryside from encroachment, given the strong visual and spatial containment of the appeal site, I am satisfied that there is no conflict with this purpose in particular.

16. Given those conclusions on openness, I find that the proposal is not inappropriate development in the Green Belt. As such, it neither conflicts with Policy 4 of the Rushcliffe Local Plan Part 1: Core Strategy (the Core Strategy), nor Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (the Part 2 Plan). In this regard it also does not conflict with national policy set out in the Framework.

Location

17. Aside from the Green Belt related considerations around the retention of the static caravan on the site, the Council also objects to its retention on the basis of that use, in that location, conflicting with the development plan.
18. I accept that the residential use of the static caravan, in this location is contrary to the development plan, and conflicts with the spatial strategy insofar as it controls the distribution of residential development around the Borough. This is agreed by the parties to the appeal. In that respect, the proposal would therefore conflict with Policy 3 of the Core Strategy.

Character

19. Given the extensive, often double-layered, thick and effective landscape screening of the site from public viewpoints, I cannot find that the proposal would have a harmful effect on the character of the site or its landscape setting. Approached from either direction along Kneeton Road, or when viewed from Oldhill Lane, but for the creation of a new access and the filling in of an old one, the proposal would not lead to any landscape-scale visual or character change.
20. Coupled with my conclusions on openness above, I therefore find that the proposal would not have a harmful effect on the rural landscape character of the site or its setting and would not therefore conflict with the development plan in this regard. It would not therefore conflict with Policy 10 of the Core Strategy or Policy 1 of the Part 2 Plan.

Other Matters

21. I note the comments of third parties around matters of highway safety, including traffic volumes, accessibility and the sustainability of the site, as well as concerns over ecology, noise and disturbance. The Highway Authority however raises no objection on highway safety or convenience grounds, and there is nothing in the evidence before me, or which I saw on my site visit which suggests that a different conclusion be reached.
22. Similarly, in all other matters, the assessment of the Council found that the proposal was acceptable. Having regard to the evidence, including the representations made and my observations on my site visit, I agree with that assessment.

Conditions

23. The Council has suggested a number of conditions to be attached, along with reasons for them, should planning permission be granted. Having had regard to the requirements of the Framework and the PPG I have imposed standard conditions concerning commencement and compliance with the submitted plans.
24. Turning to the other conditions, on the basis of the cases of both parties, the evidence presented, my own observations and conclusions, I am satisfied that taken as a whole and as imposed by this decision, they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
25. As originally drafted, the conditions setting out the dates for the erection and use or storage of the tents, huts and hot tubs were somewhat imprecise, referring only to a moveable-feast and a calendar month. I have amended this to be more precise and enforceable. Given the wording of the Planning Statement, which describes the seasonal use as being "*between April and October*", I am satisfied that the dates I have specified are enforceable, precise, reasonable and appropriate. In any case, there are other mechanisms to amend such dates should the appellant be dissatisfied.
26. I have added an additional condition which limits the residential use of the static caravan on the site to use for the manager of the site. I am satisfied that this is necessary. It is wholly consistent with what was applied for and is relevant to the development to be permitted as it addresses the Council's concern about the compatibility of its retention and residential use with their overall spatial strategy.
27. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the PPG.

Conclusion

28. I have found above that the proposal does not harm the openness of, or conflict with the purposes of the Green Belt. As a result, it is not inappropriate development in the Green Belt. Further, I have found that the proposal would not have a harmful effect on the character of the site or its setting. There is however conflict between the proposal and the development plan in respect of the retention of the static caravan for residential use by a site manager. Whilst I accept this conflict, I do not consider that it is fatal to the proposal as a whole.
29. Firstly, its use as such can be controlled by condition to address concerns over the relationship of the proposal to the overall spatial strategy. Secondly, in my judgement, there are material considerations which weigh in favour of the proposal which indicate that a decision be taken, in this case, and in this particular respect, other than in accordance with the development plan.
30. I am unconvinced by the suggestion that the retained use of the caravan would give rise to so much additional domestic paraphernalia, activity or vehicle movement, such that its use in accordance with the appeal proposal would be obviously, materially different to its current use in association with the authorised horticultural use.

31. The proposal represents rural diversification and supports the rural economy. Not just that of the site and the appellant, but also of the facilities and services which lie within relatively easy walking distance of the site (acknowledging that what one might consider an acceptable walking distance to facilities and services when on holiday is different to that for day-to-day living), as well as supporting the overall tourism and leisure sectors. This finds support in national as well as local policy, such that I am comfortable that this relatively minor development plan conflict is outweighed, and that this is a situation in which the development plan appears to pull in different directions.
32. Taking all of the above into account, I find that the proposal accords with the development plan when read as a whole, and there are no material considerations which indicate that a decision be taken other than in accordance with it. As such, the appeal should be allowed.

S Dean

INSPECTOR

Schedule of Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents
 - Block Plan
 - Visibility Splays 230512-RAP-XX-XX-DR-TP-3201 Rev P01 received 1 December 2024
 - Revised Layout Plan Received 13 December 2024
 - Sewerage Treatment Plan received 13 June 2023
 - Shepherd Hut side elevation received 13 June 2023
 - Shepherd Hut Floor Plan received 13 June 2023
 - Noise Management Plan received 13 June 2023
 - Preliminary Ecological Appraisal by *arbtech* dated 2 December 2024
3. The development shall not be brought into use until the new site access has been provided as detailed indicatively on the approved plans, in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
4. The development shall not be brought into use until the access has been surfaced in a hard bound material (not loose gravel) for a minimum distance of 10m to the rear of the highway boundary, and has been constructed with measures to prevent the unregulated discharge of surface water to the public highway. The hard bound material and measures to prevent the discharge of surface water to the public highway shall thereafter be retained for the life of the development.
5. The development shall not be brought into use until the visibility splays shown on Proposed Access Arrangements drawing (Drawing No. 230512-RAP-XX-XX DR-TP-3201 Rev P01, Rappor, dated 10.08.23) are provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.26m in height.
6. The development shall not be brought into use until the parking area and its associated access and boundary treatments have been provided in accordance with the approved plans. The parking area shall thereafter be maintained as such for the life of the development.
7. The development shall not be brought into use until the existing access to the east of the site that has been made redundant as a consequence of this consent has been permanently closed and the highway verge reinstated to the satisfaction of the Local Planning Authority.
8. The proposed hedge planting associated with the closure of the existing field access shall be undertaken using hand digging working methods only.

9. The development hereby permitted must not be occupied or first brought into use until a written scheme the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted, and the surfacing of the car park, internal paths and tracks) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

10. The proposed development hereby approved shall be carried out in accordance with reasonable avoidance measures detailed within the submitted Preliminary Ecological Appraisal by *arbtech* dated 2 December 2024.
11. Prior to the installation of any external lighting, precise details of any external lighting features shall be submitted to and approved by the Borough Council. Thereafter the development shall be carried out in accordance with the approved details.
12. The development hereby approved shall be managed at all times in accordance with the Noise Management Plan received 13 June 2023.
13. In accordance with the Planning Statement, the bell tents shall only be erected and used between 1 May and 1 October and the shepherd huts and associated hot tubs only sited and used between 1 May and 1 December. Outside of these dates the glamping units shall be stored as set out in the planning statement.
14. There shall be a maximum of 13 shepherd huts and 8 bell tents sited on the site at any time within the permitted months of use and no other accommodation shall be bought to the site to increase the level of accommodation available for overnight stays.
15. The site shall only be used as a glamping site, vineyard and orchard and shall not be used for any events, weddings, or festivals.
16. Should the glamping use of the site not commence before 1 December 2026 an updated ecological survey shall be submitted to and approved by the Borough Council and any mitigation measures implemented before the use commences.
17. The occupation of the static caravan shall be limited to a person solely or mainly employed or last employed as the site manager for the glamping site, vineyard and orchard, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

End of Schedule of Conditions