



Appeal Decision

Site visit made on 13 August 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/F1040/W/25/3362458

Land to south of Clifton Road

Grid Ref Easting: 428091; Grid Ref Northing: 312929

- 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 and Mrs Zile against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2024/1100.
 - The development proposed is erection of 6 holiday lodges and a reception lodge.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr and Mrs Zile against South Derbyshire District Council and is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, having regard to the spatial strategy of the development plan.

Reasons

4. The appeal site is a roughly triangular parcel of undeveloped land located on the south side of Clifton Road, to the west of Netherseal. The surrounding area is predominantly rural, with residential development to the north and a single building near the south-east boundary. The site lies outside the defined settlement boundary of Netherseal, which the development plan defines as a Local Service Village. As such, the site is categorised as part of the rural area.
5. Policy BNE5 of the South Derbyshire Local Plan Part 2, adopted 02 11 2017 (the LP2) permits development outside settlement boundaries where it is justified under other policies, and where it does not unduly impact landscape character, biodiversity, or heritage assets.
6. One such policy referenced in BNE5 is Policy INF10 of the South Derbyshire Local Plan Part 1, adopted 13 06 2016 (the LP1). This supports tourism development in “other appropriate locations” where identified needs are not met by existing facilities.
7. Although the term “other appropriate locations” is not explicitly defined in Policy INF10, the policy acknowledges the need for flexibility in rural areas. However, it

also emphasises that proposals should offer a reasonable level of accessibility by non-car modes of transport to support sustainable development.

8. Although the site lies within walking distance of Netherseal, the route is along a narrow, single-track rural lane with no pavements, street lighting, or dedicated pedestrian infrastructure. These conditions significantly limit safe access on foot, particularly for visitors unfamiliar with the area or those travelling with children. The physical constraints of the route make it unsuitable for regular pedestrian use and raise concerns about safety and accessibility.
9. Netherseal itself offers only a modest range of local services, and public transport provision is limited. There is no direct access to bus services from the site, and visitors would be heavily reliant on private vehicles to reach even basic amenities, as well as attractions within the wider National Forest area. This level of car dependency runs counter to the aims of Policy INF10, which seeks to promote sustainable tourism development in locations that offer genuine alternatives to car travel.
10. Policy INF10 also requires that proposals for tourism development demonstrate that identified needs are not being met by existing facilities. In support of this requirement, the appellant has submitted a business case and accompanying statements which reference the National Forest Tourism Growth Plan and the Council's Economic Development Strategy. These documents outline strategic aspirations for increasing overnight accommodation within the National Forest area.
11. The business case asserts that existing holiday lodge sites in the wider area experience high levels of occupation and that there are no comparable accommodation options within or immediately adjacent to Netherseal. It also notes that a nearby site at Swainswood Park has recently been granted a Certificate of Lawfulness for permanent residential use, potentially reducing the number of available holiday units in the area.
12. However, the evidence provided is largely generalised and strategic in nature. It does not include demonstrable data such as occupancy rates, booking trends, or market analysis to justify that existing facilities are insufficient to meet current or projected need. In contrast, interested parties have identified a number of existing accommodation options within Netherseal and the surrounding area, which they contend are not oversubscribed. Although these counter-claims are not supported by detailed site-specific evidence, they nonetheless highlight the absence of a clear and compelling case from the appellant and cast doubt on the robustness of the asserted level of need.
13. The proposal aligns with the broader objectives of the National Forest Tourism Growth Plan, and the National Forest Company has expressed general support for sustainable tourism development. However, this support is strategic in nature and does not identify specific locations or quantify localised need. As such, it carries only limited weight in the context of Policy INF10, which requires proposals to demonstrate that identified needs are not being met by existing facilities. Whilst strategic support for tourism growth is relevant, it does not, in itself, constitute evidence of unmet demand.
14. In the absence of convincing, site-specific evidence, it cannot be concluded that identified needs are not being met by existing facilities. The proposal therefore fails to satisfy the requirements of Policy INF10.

15. The appellant has also referred to other tourism developments approved in rural locations across the district. However, the only supporting information provided consists of officer reports, without accompanying plans or drawings to illustrate the site context or other site-specific considerations. In any event, each proposal must be assessed against its individual considerations, having regard to its specific context and the evidence presented. In this case, there is nothing in the cited examples that convinces me to depart from my previous findings.
16. In summary, the proposed development is located in an area with limited accessibility to services and a lack of sustainable transport options. Visitors would be heavily reliant on private vehicles to access basic amenities and local attractions. Furthermore, the evidence submitted does not convincingly demonstrate that there is an identified need for the proposed accommodation that is not already met by existing facilities. As such, I conclude that the proposal fails to comply with the requirements of Policy BNE5 of the LP2 and Policy INF10 of the LP1, and the development would not be in a suitable location having regard to the spatial strategy of the development plan.

Other Matters

17. The proposed development lies within the catchment of the River Mease Special Area of Conservation (SAC), a European Site designated for its lowland clay river habitat, which supports nationally significant populations of Spined Loach (*Cobitis taenia*) and Bullhead (*Cottus gobio*).
18. Natural England has confirmed that the SAC is currently in an unfavourable condition, in part due to elevated levels of phosphorus. Any additional input of phosphorus from foul water or pollutants from inadequately treated surface water would contribute to this unfavourable status and the failing of the site's conservation objectives.
19. To address this issue, the proposal includes the use of a sealed cesspool for the disposal of foul water, which would be emptied periodically. Details of this cesspool, including its specification, maintenance, management, and monitoring, are proposed to be secured through planning conditions. Natural England has advised that it would have no objection to the development, provided that the cesspool effectively removes any pathway for phosphorus to reach the river, and that there is certainty it would be emptied outside the SAC catchment and maintained for the lifetime of the development.
20. Had I been minded to allow the appeal, it would have been necessary to consider these matters further through an appropriate assessment under the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal for other reasons, it has not been necessary to undertake such an assessment in this case.

Conclusion

21. The proposed development would conflict with the development plan as a whole and there are no other considerations to lead me to a conclusion other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR