

## PLANNING COMMITTEE,

24<sup>th</sup> April 2024

### INFORMATION REPORT

#### APPEAL DECISION RECEIVED

23/00752/FUL	Mr J Kennedy	Appeal against the refusal for change of use of land with the construction of hardstanding for the storage of caravans, Olive Tree Camping and Caravans, Main Street, Clarborough.
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An application for the Change of Use of Land with the Construction of Hardstanding for the Storage of Caravans under delegated authority on 8th August 2023 for the following reasons;

*1. National Planning Policy Framework paragraph 84 supports sustainable business growth. Bassetlaw Local Development Framework Policy DM1 similarly supports rural employment development where it requires the specific countryside location and that the scale, design and form of the development is appropriate for its location and setting and compatible with surrounding land uses.*

*Clarborough & Welham Neighbourhood Plan Policy 7 also supports employment development where development is principally for B1 or B2 use; and the scale, design and form is in keeping with its surroundings and does not have a detrimental impact on amenity of the area, environmental issues or highway safety.*

*The proposed development is not considered to be of an appropriate scale and form for its location and setting. Insufficient details have been submitted to demonstrate that this specific location is necessary for the storage of caravans and that there are no alternative sites available. The development would extend into the rural countryside location, contrary to the aims of Policy DM9 of the Bassetlaw Local Development Framework and Bassetlaw Landscape Character Assessment which seeks to conserve the open rural character of this high quality landscape.*

*The proposal would therefore be contrary to National Planning Policy Framework paragraph 130 which requires new development to add to the overall quality of the area, be visually attractive as a result of good layout and appropriate and effective landscaping and be sympathetic to local history and character, including landscape setting. The proposal would similarly be contrary to Bassetlaw Local Plan Policy DM4 that requires high quality design reflecting local distinctiveness, Policy DM1 and Clarborough & Welham Neighbourhood Plan Policy 7, requiring the scale and form of development to be in keeping. The proposed development is inappropriate for its surroundings resulting in a detrimental impact on the character and environment of the area.*

*2. Paragraph 110 of the National Planning Policy Framework states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy and Clarborough & Welham Neighbourhood Plan Policy 7. Paragraph 111 of the NPPF makes it clear that development*

*should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The development would utilise the access / egress arrangements associated with the existing caravan park. Inadequate information has been submitted in terms of the scale and operation of the proposal and the applicant has not demonstrated that the development would have safe and suitable access / egress arrangements and that adequate visibility splays can be achieved from the site egress onto the A620, contrary to the above policies and guidance.*

*3. The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity, including if significant harm cannot be avoided adequately mitigated or compensated for permission should be refused; and development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact. NPPF paragraph 179 and Bassetlaw Local Development Framework Policy DM9 adds that development proposals will be expected to take opportunities to secure measurable net gains for biodiversity. No ecological assessment has been submitted and insufficient details have been submitted to ascertain whether the proposed development meets the requirements of the above policies and guidance. As such the development would be contrary to the above policies and guidance.*

The Inspector Considered that the main issues were:

- i.) Whether the proposal represents a suitable location for the development, having regard to relevant policies on development in the open countryside and the effect on the character and appearance of the area;
- ii.) Whether the existing site access is adequate to accommodate traffic movements arising from the proposal;
- iii.) The effect of the proposal on ecology and biodiversity on the site.

In respect to the above matters the inspector concluded:

i.) For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area, contrary to the aforementioned requirements of Policies DM1, DM9 and 7, and the aims of the Framework. Therefore, notwithstanding the general support afforded to rural business growth within the development plan and Framework, the harm identified to the landscape character of the area means the proposal would not represent a suitable location for the development.

ii.) In the absence of sufficient detail as to the level of increase in traffic or that adequate visibility could be provided, the proposal fails to demonstrate that it would provide a safe access and so would have an unacceptable impact on highway safety. This conflicts with the requirements to provide safe access and not exacerbate highway safety problems under Policy DM4 of the CS, Policy 7 of the CWNP and the Framework.

iii.) I understand the concerns raised by interested parties that the loss of an existing, established hedgerow may have had a particular adverse effect on ecology were it to be used for foraging and nesting, and that this would take time to replace. However, the evidence before me from the appellant is ultimately not challenged by the Council. It sets out that the proposal would achieve greater than 10% biodiversity net gain both in area and hedgerow terms, which could be secured by condition. This would accord with the requirements of Policy DM9 of the CS and with the latest approach of the Framework and would represent a small benefit of the proposal.

DECISION: Appeal DISMISSED by the Inspector.

A copy of the Inspector's decision letter follow this report.

OFFICER RECOMMENDATION: Refuse

FINALISED DECISION LEVEL: Delegated