



Appeal Decision

Site visit made on 13 February 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/A3010/W/23/3330278

Olive Tree Camping and Caravans, Main Street, Clarborough DN22 9NJ

- 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 J Kennedy against the decision of Bassetlaw District Council.
 - The application Ref is 23/00752/FUL.
 - The development proposed is change of use of land with the construction of hardstanding for the storage of caravans.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was not made on a retrospective basis, but from the Council's delegated report and my site visit, it is clear that development has taken place, with hardstanding laid and caravans being stored on the land. I have therefore treated the proposal as partly retrospective in nature, as other elements are proposed which have not been implemented. For the avoidance of doubt, my assessment is based primarily on the submitted plans.
3. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this does not fundamentally alter the main parties' cases, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

Main Issues

4. The main issues are:
 - 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;
 - Whether the existing site access is adequate to accommodate traffic movements arising from the proposal;
 - The effect of the proposal on ecology and biodiversity on the site.

Reasons

Development in the Countryside

5. Policy DM1 of the Core Strategy & Development Management Policies DPD (December 2011) (the CS) supports economic development in rural areas

where it requires a 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. Policy 7 of the Clarbrough & Welham Neighbourhood Plan (2017) (the CWNP) sets out similar criteria. Policy DM9 of the CS further requires developments to be sensitive to their landscape setting and to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment (BLCA).

6. These policies reflect the approach of the Framework, which supports the growth and expansion of all types of business in rural areas, including sustainable rural tourism and leisure developments that respects the character of the countryside and adds to the overall quality of the area through high standards of design.
7. The appeal relates to an established caravan and camping park located within the open countryside to the south of Clarbrough. The site is a narrow, deep rectangular shape, with open agricultural fields to three sides and the A620 road to the fourth side. A hand car wash business within the appellant's ownership stands to the front of the site, with the tourism facilities to the rear.
8. The sides of the site are defined by mature hedgerows, as was the rear boundary prior to recent works which have removed a stretch of the hedgerow and created an access to the adjacent field. A rectangular area of hardstanding has been laid, on which were stored some 19 caravans at the time of my visit.
9. The removal of the hedgerow has resulted in the loss of a natural boundary which would have had an important function in screening the development from the wider countryside. Instead, the site has been opened up to clear views, most prominently from Bonemill Lane immediately to the south, from dwellings along the lane, from a public footpath running north from the lane a short distance to the west and from the towpath of the Chesterfield Canal slightly further west. In particular the very noticeable white exteriors of the caravans are clearly seen from these vantage points due to the open, flat topography and absence of other significant hedgerows filtering views.
10. The appellant's own evidence includes aerial photography from 2007, 2015 and 2020 showing the field to the rear as a ploughed field, consistent with the open, agricultural character of land to the north, south and west. Contrary to the appellant, I do not regard the hardstanding area as a 'natural extension of the site' as it has involved the destruction of the hedgerow and a crudely formed area of crushed stone spilling into the adjacent field. Whereas the site had been contained physically and visually by the hedgerows, it now extends incongruously into the open countryside with no effective screening. The adverse visual impact is exacerbated by the number of caravans stored on the site and their haphazard arrangement.
11. The appellant points to the landscape not being particularly sensitive. Whilst the landscape is not designated for specific qualities, the Framework states that decisions should recognise the intrinsic character and beauty of the countryside. The site lies within the Idle Lowlands Policy Zone 08: Retford of the BLCA, the recommendations of which are to conserve permanent pasture and the historic field pattern; maintain existing strong hedgerow structure and concentrate new development around the north-eastern fringe of Retford. The development contravenes each of these principles, eroding the intrinsic

character and beauty of the countryside to which the site in its previous condition contributed.

12. The appellant proposes a wildflower meadow immediately around the storage area within the red line and a wildlife pond to the west of within the remainder of the field, both as part of proposed biodiversity enhancements. However, in landscape terms, neither would provide effective screening that would adequately mitigate the visual harm caused by the caravan storage area. Moreover, a line of proposed trees is shown planted on land falling outside both the red and blue lines, and therefore does not appear to be within the appellant's control to provide. Even if planted on the appellant's land, this would still not screen the clear views from the south on Bonemill Lane.
13. The proposal would additionally result in a small loss of agricultural land which the evidence indicates was used for arable farming in recent years. Although the appellant's evidence on biodiversity ascribed the baseline position of the site as 'modified grassland' in poor condition, I have no evidence that the land has become unsuitable for growing crops, but it is clear that the subdivision of the wider field and the development already implemented and further proposed would permanently reduce the amount of agricultural land on the site.
14. 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.

Access

15. The storage use of the land would be accessed via the existing in-out entrance from the A620 used by the caravan park and the car wash. The appellant's transport note sets out that sufficient visibility of 2.4m x 120m, based on the 40mph speed limit, would be achievable to the south but not to the north, where only 80m visibility exists. It adds that the local highway authority raised no concerns over visibility at the access when permission was granted in 2020 (Council Ref 20/00583/FUL) for an additional 12 static caravans at the site.
16. The Council's concerns relate primarily to a lack of detail as to the amount and frequency of traffic generated by the storage use. The transport note estimates negligible increases in traffic due to the storage use being a low trip generator, but this conclusion is reached despite acknowledging further information was to be provided by the appellant regarding the number of additional trips.
17. Storage use may mean many caravans would stay on site for significant periods of time without generating any associated traffic, whilst others may be moved on and off site more frequently, particularly during the holiday season. However, I do not have precise details of the total number of caravans to be stored, the expected number of trips or their frequency, and therefore I am unable to conclude that the proposal would have no more than a negligible impact on the operation of the highway as argued by the appellant.
18. Whilst I accept movements on and off site associated with the storage use are unlikely to be continuous or concentrated, the proposal would add traffic

beyond the existing levels of the tourism use and would increase occurrences of vehicles towing caravans entering and leaving the highway slowly. Coupled with the shortcomings of the northbound visibility splay, this has the potential to increase the risk of conflict with other road users. Whilst the appellant points to potential measures to improve visibility, the evidence is unclear that the land along the road verge is under the control of the local highway authority, such that I can have sufficient confidence that vegetation could be maintained to ensure visibility.

19. Therefore, 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.

Biodiversity

20. The appellant has provided a Biodiversity Assessment at appeal stage. It sets out that the baseline condition of the site, prior to works being undertaken, was modified grassland in a 'poor' condition, whilst the former hedgerow was assessed to be in a 'good' condition. Based on the assessed value of biodiversity lost through the works already undertaken and the works proposed both within the red line of the site and the adjacent land to the west in the appellant's control, it is estimated that there would be biodiversity net gain in area units of 32.41% and in hedgerow units of 18.72%.
21. As pointed out, the plans before me indicate tree/hedgerow planting on land outside of the appellant's control. This may be a drafting error, but it appears possible to plant inside the boundary of the appellant's land and is a matter that could be addressed by condition through a detailed landscaping plan.
22. I note the Council's concern that the removed hedgerow was to be retained and reinforced with new planting under a condition of the planning permission in 2020 to site 12 additional caravans on the land. However, any concerns with respect to the enforcement of a planning condition are matters for the local planning authority in the first instance.
23. This aside, 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.

Other Matters

24. The appellant sets out that storage facilities often accompany popular caravan sites, that they are in high demand and that they present an opportunity for expansion and diversification. It is added that the extension of the existing site is preference to establishing a new site. I accept that the storage facility would provide an economic benefit for the appellant but I have no evidence as to the

extent of any benefit. However, the small scale of the proposal indicates that any benefits in terms of increased turnover would be minor in scale.

25. Moreover, the contention that storage facilities are commonplace at tourist sites is countered by comments from interested parties that storage facilities only exist at some 3% of Caravan and Motorhome Club sites. Ultimately, there is no substantive evidence that storage facilities need to be attached to tourism facilities for any operational reasons. Nor does the evidence suggest a demonstrable need for caravan storage facilities generally, or that there are no more suitable sites located within a built-up area, such that development in the open countryside could be avoided. As such, the arguments in favour of the facility as meeting a need attract no more than limited weight.
26. I have found the biodiversity issue to be acceptable on the evidence before me and afford some positive weight to biodiversity net gain. However, based on the comments made in representations, it appears that the Biodiversity Assessment may not have been available to interested parties on the Council's website. However, I have not pursued whether or not this was the case as my conclusions on the other main issues point to the dismissal of the appeal and were any additional public comments determinative in an alternative finding of a neutral or harmful impact on biodiversity, this would only serve to tip the planning balance further against the proposal. Therefore, I am satisfied that interested parties opposing the appeal have not been prejudiced.

Conclusion

27. For the reasons set out, the proposal would conflict with the development plan taken as a whole. I afford significant weight to this conflict. Material considerations advanced in this case, including the economic benefits and predicted biodiversity net gain attract only limited weight in favour and would not be sufficient to outweigh the development plan conflict. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR