



Appeal Decision

Hearing held on 26 November 2008
and 11 February 2009

Site visit made on 11 February 2009

by **Peter Willows** BA DipUED MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
26 February 2009

Appeal Ref: APP/N2535/A/08/2074325

Fishpond Farm, Fir Park, Owersby Moor, Market Rasen, Lincolnshire LN8 3YN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Starbuck against the decision of West Lindsey District Council.
- The application Ref 121267, dated 30 October 2007, was refused by notice dated 24 January 2008.
- The development proposed is described as follows: *Approval is sought for a change of use from undeveloped agricultural land into leisure facilities. This will include the erection of holiday cabins. Engineering operations will be involved to create an additional lake and improve those existing.*

Application for costs

1. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Main issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - Whether the proposed development of holiday cabins would be a sustainable form of development of an appropriate scale in order to support tourism, thereby justifying it in a countryside location.
4. The Council's second reason for refusal also raised the issue of the effect of the development on protected species. However, following the submission of additional information, both Natural England and the Council are now happy with the proposal in that regard.

Reasons

Planning Policy

5. Policy 25 of the Regional Spatial Strategy for the East Midlands (RSS8) encourages the provision of additional tourist facilities, including

- accommodation, close to popular destinations that have adequate environmental and infrastructure capacity. Paragraph 4.2.20 of the supporting text identifies increasing the number of visitors who stay overnight as a regional priority, but states that special care must be taken to ensure that all growth in tourism is managed in accordance with the principles of sustainable development. A review of RSS8 is at an advanced stage, the Secretary of State's proposes changes having been published. However, while some adjustment of Policy 25 is proposed, its overall approach would remain the same.
6. Policy STRAT12 of the adopted West Lindsey Local Plan First Review only permits development in the open countryside where the development is essential for agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location or otherwise meets an objective supported by other Plan policies.
 7. *Planning Policy Statement 7 Sustainable Development in Rural Areas* (PPS7) indicates that most tourist accommodation requiring new buildings should be located in, or adjacent to, existing towns and villages. In the case of chalet developments, planning authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites. The *Good Practice Guide on Planning for Tourism* (Department for Communities and Local Government) expands on that advice.
 8. I have been referred also to Local Plan policies CRT17 and CRT19, which deal with holiday accommodation and caravan sites respectively. However, both policies are specific regarding the types of accommodation they relate to, and neither applies to the cabins proposed in this instance. Policy T3 of the adopted Lincolnshire Structure Plan relates to small scale static caravan and chalet facilities, but I do not consider this to be a small scale proposal.
 9. Overall, the thrust of local and national policies indicates that, while tourist accommodation may be acceptable in the countryside in certain circumstances, such development should be limited to that which is necessary to meet identified needs and should have regard also to need to protect the landscape and the principles of sustainable development.

Character and appearance

10. The site is comprised of fields and lakes within an area of open countryside. The Council raises no objection to the formation of a new lake and works to the existing lakes, its concerns being confined to the siting of the cabins and associated works. The scheme would involve the introduction of 41 cabins in 2 clusters. The layout was arrived at as a result of discussions with the Council, and the appellant advises that it would result in a density of about 2 cabins per hectare for the site as a whole. Nevertheless, even if carefully designed and constructed of suitable materials, a development of this number of cabins would quite clearly radically alter the character and appearance of the site. Landscaping and the use of appropriate materials for roads would help to soften the impact of the development, but it would not disguise the fundamental change in the site's character from farm land and fishing lakes to something more akin to a small holiday village.

11. Views of the cabins from beyond the site would be restricted by the fall of the land and established trees and other vegetation. However, these features do not form a complete screen. Some of the cabins would be easily seen through gaps in the trees from the bridleway a short distance to the south of the site, which runs broadly parallel with the southern boundary. Proposed planting would address this and eventually ensure that views would be limited to long-range glimpses from higher land. However, in my judgement it would take a significant period of time for the landscaping to mature to the extent necessary to reach that situation. Despite the filtering of views through existing vegetation, the cabins proposed and associated infrastructure would have an urbanising effect on the area during this period. This would significantly harm the rural character of the area. In any event, even where the development would not be apparent from public views, I nevertheless attach weight to the harm that would arise from the change to the character and appearance of the site. Planning Policy Statement 7 *Sustainable Development in Rural Areas* (PPS7) advises at paragraph 1 that it is the Government's overall aim to protect the countryside for the sake of its intrinsic character and beauty.
12. Other factors would cause further harm to the rural character of the site. The appellant suggests that vehicle movements would be limited because people would stay at the site for longer periods because of the accommodation. However, anyone staying for more than a single night would be likely to need to travel for shopping or other reasons. I consider that the number of additional movements that could arise from 41 cabins would be significant. It also appears to me that there would need to be external lighting at the site in order to provide an adequate and safe environment. While the effects of this could be controlled to a degree through the design of the scheme and planning conditions it would, together with the additional traffic movements, contribute to a change away from the currently clear rural character of the site.
13. I conclude that the development would result in significant harm to the rural character of the site. In view of this and the consistent approach of local and national policies of directing built development away from rural locations, the development should not be permitted without a clear and convincing justification.

The scale of the development

14. As outlined above, local and national policies recognise that development within the countryside may be justified where it meets the needs of tourism. It is argued that there is such a need in this case, principally arising from the fishing lakes, but supplemented also by other attractions nearby, such as the Lincolnshire Wolds and the City of Lincoln. However, any such justification must be related to the scale of development that is necessary to achieve the desired benefits. If any need for accommodation associated with the fishing lakes could be achieved with a smaller scale of development, the harm arising from it is likely to be reduced.
15. The fishing lakes are attractive and evidence suggests that they are highly regarded by anglers, having featured in specialist media and attracted people from around the Country. The proposal includes the creation of a further lake and the linking of 2 existing lakes. However, I have no business plan or other clear evidence regarding the amount of accommodation that is required to

meet any need associated with the fishing business. While I understand that the Council did not request such information, I must judge the proposal on the information before me. At the hearing the appellant's representative confirmed that the number of cabins proposed was determined by the capacity of the site (bearing in mind visual impact and other planning matters) rather than any analysis of market requirements.

16. The clearest indication I have of the current scale of activity at the site is the appellant's evidence that there are approximately 2,000 visitor trips to the lakes per year. Despite the works proposed at the site, there is no intention to increase the overall use of the lakes, the plan being instead to switch from day visitors to retaining the lakes for the use of those staying in the cabins. The limited level of use of the lakes indicated, which equates to less than 6 visits per day on average, suggests to me that there is insufficient need for the 41 cabins proposed, even allowing for factors such as seasonal variations.
17. I conclude that the fishing business and lakes at the site do not provide a sufficient justification for the scale of development proposed in this countryside location. Accordingly, the proposal would conflict with Local Plan Policy STRAT12.

Sustainability

18. The appeal site is in a remote location, with only very limited public transport provision and facilities. While the appellant suggests that a pick-up service from the nearest train station could be organised, it appears likely to me that most people visiting the site would drive there. Further trips, likely to be by car in most cases, would be needed for day to day shopping needs and for trips out for anybody using the site as a base for longer tourism visits.
19. I have found that the scale of the fishing business does not justify the number of cabins proposed. While there are other attractions in the wider area, any more general need to serve tourism in the area could be met from more sustainable locations closer to significant services and public transport. While anglers may be likely to use cars in any event in order to carry their equipment, that is of only limited relevance for a development that appears to go far beyond any need that would be generated by anglers alone. Thus, despite the presence of the fishing lakes, this is an unsustainable location for a development of tourist accommodation on this scale.
20. I conclude that the proposal is contrary to the principles of sustainable development and runs counter to the aims of RSS8 Policy 25 and PPS7, as outlined above.

Other matters

21. I have been referred to a caravan/chalet park near to Caister, for which outline planning permission was granted and reserved matters approved in 2002 and 2005 respectively. I have only limited information regarding that development. However, the Committee report relating to the planning application indicates that the site was considered suitable for the development partly due to its closeness to Caistor, which was considered to be a tourist attraction. This factor distinguishes it from the appeal site. In any event, the granting of

planning permission in that case does not reduce or outweigh the harm I have found in relation to the proposal before me.

22. There are significant differences between this proposal and the appeal relating to a condition restricting the number of caravans and chalets at a site at nearby Stainfield (Ref APP/N2535/A/08/2071981), including the fact that that proposal related to an established caravan/chalet facility, and that decision has not, therefore, affected my assessment of the proposal before me.
23. I acknowledge that the proposal may be considered as a form of farm diversification. However, PPS7 makes clear that farm diversification schemes should be consistent in their scale with their rural location and contribute to sustainable development objectives, both areas in which the appeal proposal falls short. While there would undoubtedly be some economic benefits arising from the scheme, and perhaps also some benefits to wildlife, I do not have any quantification of these, and such considerations do not outweigh the significant harm I have found.

Conclusion

24. For the reasons set out above I conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rachael Makin	Marrons, 1 Meridian South, Meridian Business Park, Leicester
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Richard Starbuck	161 Yarborough Road, Lincoln LN1 1HP
John Starbuck	Fish Pond Farm, Owersby Moor, Market Rasen, Lincolnshire LN8 3YN

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Coult MRTPI FRICS	Browne Jacobson LLP, 44 Castlegate, Nottingham NG1 7BJ
Cllr Bernard Theobald	Leader, Chairman of Planning Committee, ward councillor, West Lindsey District Council

INTERESTED PERSONS:

Mrs Janet Stennett	Moat Farm, Pelham Road, Claxby LN8 3YR
Philip Raven	Pelham Top Farm, Claxby Moor
Ron Wylie	11 Brocklesby Place, Grimsby DN34 5NG
G Jordon	White House Farm, Low Road, Osgodby Lincolnshire LN8 3SZ
P Jordon	White House Farm, Low Road, Osgodby Lincolnshire LN8 3SZ

DOCUMENTS

- 1 Letter from Browne Jacobson dated 31 October 2008
- 2 Further submission by West Lindsey District Council – November 2008
- 3 Rebuttal Statement and appendices Dated December 2008 – Robert Doughty Consultancy
- 4 Notification Letter date 10 December 2008
- 5 Lighting condition and related guidance notes
- 6 Local Plan - North Eastern Area Sheet
- 7 Written submission – P Jordon