The Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2020

Appeal Ref: APP/B3438/W/20/3256426
Lask Edge Farm, Lask Edge Road, Lask Edge, Leek ST13 8QS

- 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 Mrs Hazel Scott against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0131, dated 8 March 2020, was refused by notice dated 9 July 2020.
- The development proposed is change of use to five pitches for touring caravans / motorhomes and up to ten tents.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that the policies from their Core Strategy Development Plan Document (2014) referred to in the Officer Report and Decision Notice have been superseded by policies from the Staffordshire Moorlands Local Plan (Adopted 9 September 2020) (LP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that Policies DC1, DC3, E1, E4, SS1, SS10 and T1 of the LP are relevant to the determination of the appeal. The appellants were made aware of the policies in the LP and have had the opportunity to comment upon their relevance to the appeal.

Main Issues

3. The main issues are: -

    - whether the development would be inappropriate development in the Green Belt;
    - the effect of the proposal on the openness of the Green Belt;
    - the effect of the proposed development on the character and appearance of the countryside; and
    - if the development is inappropriate within the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The National Planning Policy Framework 2019 (the Framework) sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The LP reiterates this stance in Policies SS2 and SS10. In particular, the latter states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

6. Paragraph 146 of the Framework sets out that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it [my emphasis]. I shall come onto openness in more detail later, but material changes in the use of land are one of the forms of development listed. As the appeal scheme is to use agricultural land for five pitches for touring caravans or motorhomes and up to ten tents, it would change the physical nature of the land, so would constitute a material change of use of the land.

7. Paragraph 134 of the Framework clarifies that the Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment. Given that the appeal scheme would encroach into the countryside it would conflict with the purposes of including land within the Green Belt, so would form inappropriate development in the Green Belt.

Openness

8. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof are their openness and permanence. The physical presence of built or other forms may affect openness, which can also have a visual element.

9. The appeal site is situated to the eastern side of Lask Edge Road, on the broad ridge top of Lask Edge. There are several properties some distance to the north and west, including that owned by the appellant, and a tall transmitter mast immediately south.

10. The site predominantly comprises a grassed field but includes an existing hard surfaced track, which runs from the site entrance toward the eastern boundary before turning 90 degrees to the north. This serves five evenly spaced hard surface areas for touring caravans or motorhomes, with electric hook-up points. To the northern boundary is a chemical disposal point enclosed by wooden fencing. The site is not occupied by any other built form.

11. The aforementioned features within the site were approved by the Council, in two separate applications[1], as part of preparation of the site for camping and caravanning permitted under other legislation. I will cover this point later in the section relating to 'other considerations'.

[1] Planning References: SMD/2014/0017 and SMD/2015/0222.

12. Given the existing arrangement of hardstanding areas for caravans or motorhomes, they would be closely spaced with vehicles utilised for towing situated between. The remainder of the site to the west would be for tenting and associated vehicles.

13. The site is currently partially screened from where public views can be obtained from Lask Edge Road but there are open views available of the site from the east on the opposite side of the valley. Moreover, even when the site would not be at full capacity, the presence of the collective mass of caravans, motorhomes, tents and other associated vehicles, would inevitably result in a harmful loss of openness of the Green Belt in both visual and spatial terms, albeit this would be moderate given the scale of the proposals. The appeal scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.

Character and appearance of the countryside

14. Land rises steeply from the valley to the east towards the site and the ridge top at Lask Edge. The character of the area is rural with houses and farm buildings scattered along roads and dotted on the hill sides to the east and along the ridge to the north and west. The landscape is therefore dominated by undeveloped green pastureland. Field boundaries shorten some views but they are primarily expansive across the undulating landscape from many of the routeways within the locality. These features make a significantly positive contribution to the character and appearance of the surrounding countryside.

15. Despite the presence of some planting to the boundaries of the site, due its elevated position and the more open nature of its eastern boundary, the site is exposed and widely visible within the landscape. While there are already access tracks and other existing infrastructure present within parts of the site, it is predominantly laid to grass and, therefore, primarily undeveloped in its appearance. As outlined above, I will cover the appellant's ability to use the site for camping and caravanning, under other legislation, in the next section relating to 'other considerations'.

16. By contrast, the predominantly white and reflective nature of caravans and motorhomes would stand out against the surrounding primarily green landscape, and be highly visible, particularly when planting is not in leaf. The rural character of the site and its surroundings would therefore be eroded and the proposal would be harmful to the locally distinctive character of this part of the district.

17. In coming to this view, I accept that at times the site is unlikely to be at full capacity but, equally, it is reasonable to assume that the site could be in full use for a large part of the year, and at any one time a number of caravans, motorhomes and tents would be present. I therefore conclude that the proposed development would be significantly detrimental to the character and appearance of the countryside. Hence the proposal would conflict with the design aims of Policies DC1, DC3, E4, SS1, SS10 of the LP.

18. I have not found in relation to Policies E1 and T1 of the LP, as they respectively relate to the location of new employment developments, and development and sustainable transport respectively. In particular, the design aims of the former relate to developments in settlements, existing employment sites and the re-use of rural buildings.

Other considerations

19. I appreciate that the use of the site for camping and caravanning is 'permitted' by other legislation[2], with the associated certification process administered by The Camping and Caravanning Club (the Club). While the number of caravans and tents 'permitted' on the site is identical to that envisaged by the proposal, the use is currently time-limited by a certificate to 28 February 2021, which the Club is required to renew on an annual basis. There does not appear to be any evidence before me to suggest this would not occur, as the Club has done so since 2014. Nevertheless, the rights conferred by the certification of the site do not equate to planning permission for the use of the land for camping and caravanning or an established use right for the same.

20. Although there is some existing impact on openness associated with the 'permitted' use of the site and I give this some weight, the harm to openness of the Green Belt and the character and appearance of the countryside is annually time-limited and further restricted by an occupancy period[3] imposed by the Club. Following the expiration of the period of certification, the site would revert back to its previous agricultural use.

21. The use of a planning condition to restrict the occupancy of the proposal to the same timeframe and maximum stays of 28 consecutive days could reduce the year-round visual impact of the proposal. However, the appellant has already acknowledged that the 'permitted' use has been intermittent and, with planning permission, would come greater occupancy of the site due to relaxations on advertising and the member-only usage of the site, currently imposed by the Club.

22. Based on the above, the harms to the openness of the Green Belt and the character and appearance of the countryside associated with the 'permitted' use would evidently be less than the harms associated with the proposed permanent use. I have therefore afforded this argument limited weight.

23. The use of the site by all members of the public, not just members of the Club, would provide greater potential for valuable income to the appellant during the camping and caravanning season and enable competition with other unrestricted sites. There would also be indirect benefits to the local economy as spending in local shops, facilities, services and tourist attractions may be increased as a result of more visits to the site. While the effects of the COVID-19 pandemic have been far reaching, there is no substantive evidence before me of the impact on the tourism sector, particularly the appellant's business. Despite the compliance of these matters with elements of Policy E4 of the LP, given the scale of the proposal, I have afforded these benefits limited weight.

Planning Balance and Conclusion

24. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness which gives rise to additional harm. These harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.

[2] Schedule 2, Part 5, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
[3] Currently 01 March to 31 October.

25. I have also identified significantly detrimental effects to the character and appearance of the countryside, contrary to relevant development plan policies.

26. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is 'clearly outweighed by other considerations.'

27. The other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

28. The proposed development would be contrary to the development plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR