



Appeal Decision

Site visit made on 4 August 2020

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/B3438/W/19/3243690

The Caravan, Cheadle Road, Alton ST10 4DH

- 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 Finney against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2019/0459, dated 26 July 2019, was refused by notice dated 1 October 2019.
 - The development proposed is the change of use of land to provide for 14 Touring Caravans pitches with separate camping/open space; facilities building, reception and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development given on the planning application form, but I have removed *partially retrospective* as this is not an act of development.
3. Since the Council refused planning permission, the emerging Staffordshire Moorlands Local Plan (eLP) was found sound by the Examining Inspector in June 2020. Both main parties were given the opportunity to comment, with the Council providing an update on its progress. Consequently, it is appropriate to place substantial weight on the policies in this plan relevant to the proposal.
4. The proposal before me is for a change of use. Alleged works to the land that have included tipping waste material and regrading are not before me. Therefore, I have solely considered the change of use.

Main Issues

5. The main issues are:
 - (a) The effect of the proposal on the natural environment and protected species.
 - (b) The effect of the proposal on the character and appearance of the area.

Reasons

6. Located around 1.5 miles from the village of Alton, the site is a narrow field that runs parallel with Cheadle Road in a rural countryside area, known as the Churnet Valley. The proposal is to use the land for touring caravans and tents,

and provide an amenities block, reception building and gas storage. Hardstanding would be laid for the 14 proposed caravan pitches along with an internal access road and additional parking. Access would be from the current access point, with widening and upgrades to the visibility splays proposed.

7. The site is on a rural road between Alton and Cheadle. Along this road, there is a rural settlement pattern with scattered farmsteads and cottages, woodlands and grazing fields over undulating land. Adjacent to the east is the Peakstone's Inn, a public house with some caravan lodgings. The land is relatively level where the development is proposed, although it drops steeply at the back of the site to both an ancient woodland, known as Moss Bank semi-natural ancient woodland, which is included in Dimmings Dale and the Ranger Site of Special Scientific Interest (SSSI) and what appeared to be a private allotment. Opposite the site is a farm and associated outbuildings that rise from the roadside.

Natural environment and protected species

8. The Preliminary Ecological Appraisal¹ (PEA) details that the habitats present onsite offer suitable great crested newt (GCN) terrestrial habitat. There are 2 ponds located within 250m of the site boundary, and the PEA sets out that additional surveys will be required. These include a Habitat Suitability Index assessment of a pond located around 125m to the west and a presence/absence survey of a pond located about 160m to the south.
9. Furthermore, the PEA details that the habitats onsite are generally considered suitable for reptile species; grass snake, common lizard and slow worm in particular. The site is well connected to the wider landscape via the woodland and SSSI to the north, hedgerows, dry stone walls and tree lines, all features which have the potential to facilitate commuting reptile species.
10. GCNs are protected by law and their presence is a material consideration in a proposal where there is a reasonable likelihood of a protected species being present and affected. Additionally, grass snakes are a priority species within Staffordshire, with a Biodiversity Action Plan in place. I do not have any Habitat Suitability Index assessment, GCN or reptile presence/absence surveys before me.
11. Circular 06/2005 states it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Surveys should only be required by condition in exceptional circumstances. There is nothing before me to indicate that there are exceptional circumstances in this case. Therefore, in the absence of such surveys, I must apply the precautionary principle and find the proposal would cause harm to GCNs and reptiles.
12. Moreover, there is very limited information on the effect of the proposal on the ancient woodland and the SSSI, nor any apparent consultation with Natural England by the Council. SSSIs are protected under the Wildlife and Countryside Act 1981 from damaging operations, including development proposals. Natural England, as the government's statutory adviser on nature conservation (the

¹ Report prepared for: Sammons Architects (March 2018)

statutory nature conservation body), must be consulted by a Local Planning Authority considering development proposals that would affect a SSSI in England.

13. I note a buffer zone with planting and fencing is proposed, but I have very little information from the Council or statutory bodies as to whether this would be appropriate to mitigate the effect of development. The National Planning Policy Framework (the Framework) gives a high level of protection to SSSIs, stating that "*development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted*". In the absence of further information and consultation responses, I must again apply the precautionary principle and find harm.
14. Therefore, the proposal would have an unacceptable effect upon the natural environment and protected species. In this regard, the proposal would conflict with Policy NE1 of the Staffordshire Moorlands Core Strategy Development Plan Document (March 2014) (CS); which aims to produce a net gain in biodiversity, protecting and enhancing habitats and species of principal importance, and to conserve and enhance any SSSIs. There would also be conflict with the Framework which seeks to conserve and enhance the natural environment minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
15. The information presented by the appellant relating to the tipped material permit is of little relevance to the assessment of the effect of the proposal on the natural environment or protected species.
16. Whilst the Council assert that the PEA does not provide sufficient ecological information to assess the full impact of the development that has already been carried out, as identified in the preliminary matters, this proposal does not seek planning permission for those works.

Character and appearance

17. *The proposed development of the site* – The proposal would result in a permanent change to the site owing to the erection of the amenity and reception buildings along with the access road and pitch hardstanding. However, the buildings would be timber clad, low level and set considerably back from the road. Given the modest size and design, they would not appear incongruous or unusual in this rural setting and would cause no unacceptable level of harm, respecting the site and its surroundings. A condition requiring the submission of materials could be imposed that would ensure the external appearance is suitable.
18. The hardstanding and access road within the site would cause no significant effect given the existing and proposed planting and the nature of this development. Furthermore, a comprehensive landscaping scheme is proposed along the boundary with the road and to the rear of the site that would ameliorate the effect. Again, this could be the subject of a condition to ensure the landscaping scheme is robust and abiding.
19. Given the roadside location and the general visual prominence of caravans and tents, there would be a visible change from the road side and other vantage

- points. Yet, the effect would reduce over time as the landscaping proposed matures, and the roadside boundary planting I saw on site was moderately mature and offered an existing level of screening.
20. Moreover, caravans and tents would be transient and seasonal in nature and though clearly more popular in summer months, the visual effect of them would be ever changing. It is also not unusual to find tourism facilities such as this proposal in rural areas, and the caravans and tents would not appear alien, particularly as the scale of the development is small. Furthermore, even if the land has been regraded and these works remain, the road side caravans would be most prominent, but these would be level with the road and cause limited harm.
21. Therefore, whilst the visual effect of the caravans and tents would be noticeable from the road side, with the landscaping proposed, the transient and seasonal nature of the use and small scale of development; the effect would not be detrimental to the special quality, unique character and amenity value of the local and wider landscape.
22. *The proposed access changes* – widening of the access is proposed to enable suitable visibility splays. Although there would be a change to the rural verges and roadside edge, this would not be overly harmful given that low level planting could take place once complete. Furthermore, removal of the existing landscaping to facilitate the access would not take place across the entire frontage of the site and could be replaced following completion with mature specimens outside the visibility splay. I noted other wider access points on Cheadle Road and upgrading of the access point would not result in an overly urban or harmful change to the area.
23. Consequently, the proposal would have an acceptable effect on the character and appearance of the area. This would be compliant with Policies DC1, DC3, SS6c, SS7, E3 and R1 of the CS. Together, these policies seek to ensure well designed development that protects local landscapes, promoting new sustainable tourism. It would also be compliant with the Churnet Valley Masterplan Supplementary Planning Document (March 2014) (SPD), which seeks to identify opportunities and measures to help regenerate and manage the important rural area based around sustainable tourism.
24. There would be compliance with the Framework which seeks to achieve sustainable rural tourism and leisure developments that respect the character of the countryside. Lastly, the proposal would also comply with Policies SS10, SS11, E4, DC1 and DC3 of the eLP. These policies seek to ensure well designed development that protects local landscapes, promoting new sustainable tourism in the Churnet Valley.

Other Matters

Economic benefits

25. CS Policy SS6c promotes sustainable tourism and CS Policy SS7 identifies the Churnet Valley as a sustainable tourism area, supported by the SPD. Policy SS7 sets out that support will be given to short stay and long stay visitor accommodation. The eLP also supports sustainable tourism developments and measures in the Churnet Valley, with particular support given to short stay and

long stay visitor accommodation. The Council does not dispute the accessibility of the location, and there is policy support for the proposal.

26. The Council set out that the economic benefit of this tourist accommodation proposed would be small, stating that amongst other reasons, caravan and camping sites are generally self-sufficient. I disagree. CS Policy E3 states that permission will be granted for sites for camping and touring caravans provided they are well screened, sited and designed and have good access. Furthermore, people staying in an area for tourism purposes are likely to spend time and money in that area, irrespective of where they choose to accommodate themselves. The site is close to both Alton and Cheadle and in the Churnet Valley, which has numerous attractions such as Alton Towers as detailed in the SPD. Assertions over the proposal's limited employment opportunities are conjecture.

Safety of all road users

27. The proposed changes to the access would achieve suitable visibility splays and the Council's evidence details there are no objections from the local highways authority. Removal or relocation of the telegraph pole would be at the expense and investigation of the developer and this would not warrant withholding planning permission.

Waste material

28. There has been an alleged history of waste material deposited on site. However, a pre-commencement condition requiring a report and site investigations, and a pre-occupation condition requiring remediation and validation could be imposed that would ensure there was no risk posed to the end users. This too would not warrant a reason to withhold planning permission.

Other considerations

29. I have had significant regard to the comments made by interested parties. Most of the concerns have been addressed in my reasons, and as I am dismissing the appeal for other reasons, it is not necessary to consider the other matters raised any further.

Planning Balance and Conclusion

30. The proposal would have an acceptable effect upon the character and appearance of the area, supporting sustainable rural tourism and having an economic benefit. There would also be no harm to road users, nor the end users from contamination if suitable conditions were imposed.
31. However, in applying the precautionary principle, there would be harm to protected species and the natural environment that significantly conflicts with the development plan and Framework. I must attach substantial weight to this harm, and this would outweigh the various benefits of the scheme.
32. Consequently, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR