



Appeal Decision

Hearing held on 06 September 2001

by **Roland Punshon** BSc(Hons), MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date

23 OCT 2001

Appeal Ref: APP/J3910/A/01/1065390

Land at Stanton, nr Chippenham, Wiltshire

- 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 G Ridout against the decision of North Wiltshire District Council.
- The application (Ref. 00/01776/FUL), dated 15 June 2000, was refused by notice dated 29 November 2000.
- The development proposed is use of land for the stationing of touring caravans and tents.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. A number of plans were submitted with the appeal documents. It was agreed by the main parties at the Hearing that drawings nos. LDC.407.A.002, 003, 004 and 005 had been superseded, the latter 2 drawings having been amended by drawings LDC.407.A.004A and 005A. It was, therefore, on the basis of drawings nos. LDC.407.001A and LDC.407.A.004A, 005A, 006A and 007 that the Local Planning Authority made its decision. I will consider this appeal on the same basis.
2. In response to the Local Planning Authority's notification of the Hearing details, a letter was received querying the appellant's ownership of part of the appeal site. I was informed at the Hearing that this query had arisen due to a mistake on the plan attached to the Local Planning Authority's letter and the appellant confirmed that the whole of the development, including the access, would be on land in his sole ownership. I will deal with the appeal on that basis.
3. I was informed at the Hearing that the bunds which it was proposed to construct around the site would need to be 4-6 metres high in order to adequately protect users of the site from motorway noise. I was also informed that the site would provide 100-130 pitches for caravans, camper vans and tents.

Main Issue

4. I consider that the main issue in this case is the effect of the proposal on the visual qualities and rural character of the surrounding area.

Planning Policy

5. The development plan for the area includes the Wiltshire Structure Plan 2011 and the North Wiltshire Local Plan Review 1995, which were approved and adopted in 2001. Structure Plan Policy RLT10 states, amongst other things, that proposals for camping and touring caravan sites should have regard to their impact on the countryside. I note that paragraph

- 8.36 states that the increase in such accommodation is a strategic aim which requires proper assimilation in the countryside and that careful development of tourism in the countryside could do much to improve the economy of rural areas.
6. Local Plan Policy RTM2 states that tourist accommodation will be permitted in the countryside provided that the rural character and appearance of the surroundings is protected. Proposals should be designed and sited to minimise the impact on the open landscape, should provide adequate access, should not compromise highway safety and should avoid serious harm to nearby neighbours.
 7. I have taken national guidance into account in my consideration of the appeal, particularly that contained in Planning Policy Guidance (PPG) 7: The Countryside - Environmental Quality and Economic and Social Development, and PPG21: Tourism.

Reasons

Effect on visual qualities and rural character.

8. At the Hearing the Local Planning Authority did not argue that the proposal could be accommodated within a town or village. In the Local Planning Authority officers' report to committee on the appeal application it was stated that, by its nature, such caravan and tented accommodation lies in the countryside.
9. The appeal site was on the northern side of the M4 motorway, close to Junction 17. The surrounding area was made up of irregularly shaped fields divided by tall, mature hedges, interspersed with small areas of woodland. The area had no special designation and, while it comprised a generally attractive rural landscape, the motorway with its associated engineering works, facilities and structures had a significant effect on the character and appearance of the rural scene.
10. From the public highways to the north and west, the site was hidden behind dense hedgerows. A belt of woodland to the east prevented public views of the site from that direction. It was agreed by the main parties at the Hearing that the main effect of the proposal would be on views towards the north from the motorway. The proposed bunds would screen the caravans, camper vans and tents associated with the proposed use from public view. To travellers on the motorway the surrounding landscape and its appreciation varies. To the east, where the motorway crosses the valley of the River Avon and is raised above the level of the surrounding land, there were views over the hedgelines and the open character of the countryside could be appreciated. However, closer to the site, the motorway cut through the more undulating terrain. In this area views to either side were much more restricted by the sides of the cuttings and the hedges and woodlands which enclosed the road. Even in locations where the motorway was less confined, the undulations in the ground largely prevented extensive views over the countryside or any wider appreciation of the quality of the landscape. While the appeal site was generally flat, the cutting to the west of the site and woodland and hedges prevented any significant appreciation of its wider context or its relationship to surrounding land and topography.
11. In these circumstances, I do not consider that the proposed bunds would cause any significant harm to the overall appreciation of the quality of the countryside by users of the motorway. Provided that they were sensitively designed, contoured and planted, I consider that the bunds would blend with the undulations of the landscape. They would not, in my

opinion, appear out of keeping with the general context of confinement of the road experienced by motorway users in this area.

12. The creation of the proposed access to the site would involve the removal of part of the roadside hedge and an additional part would need to be removed or cut back to provide adequate driver visibility. However, I noted during my site visit that the hedge was particularly thick and that, in the vicinity of the access, the road was straight. In these circumstances, I do not consider that the necessary alterations to the hedge would, in themselves, be so significant that they would harm the character and appearance of the countryside to the extent that the refusal of planning permission would be justified.
13. Any additional fences required to protect the amenities of the occupiers of adjacent dwellings would be largely hidden from public view by existing hedges and proposed planting and would not be unduly harmful provided that their designs were appropriate to the rural surroundings. I consider that this could be adequately controlled by the imposition of suitable planning conditions on any permission granted.
14. On the main issue, therefore, I conclude that the proposal would not have a harmful effect on the visual qualities and rural character of the surrounding area. It would, therefore, comply with Structure Plan Policy RLT10 and Local Plan Policy RTM2.

Other matters.

15. Construction of the proposed bunds would require the importation of about 35-37000 cubic metres of material to the site, about 1800 lorry loads. The movement and shaping of this quantity of material would involve a considerable amount of activity. However, provided that the operations were limited to a normal working day and were confined to a defined period, I consider that the degree of nuisance which would be caused to local residents by reason of noise, dust and traffic movements would be reduced to an acceptable level. These matters could be controlled by the imposition of appropriate conditions on any permission granted.
16. The Highway Authority raised no objection to the granting of planning permission subject to conditions. During my site visit I noted the alignment of the lane which would be used to gain access from the A429. While the carriageway was narrow in places and there was an awkward bend outside Clanville, I consider that, provided that drivers exercised a reasonable degree of care and that vehicles associated with the construction and operation of the site used only the proposed site access, no undue harm to highway safety would result from the proposal. I also examined the junction between the lane and the A429. While traffic speeds on the A429 were relatively high and there were a number of cars parked in the vicinity of the junction, visibility in both directions was good. Given the road markings in the area, I do not consider that an increase in turning movements at the junction would be unduly hazardous.
17. As part of my site visit I inspected the nearby Plough Lane caravan site. At the time of my visit pitches on this site were substantially occupied and the site seemed to be generally busy. I consider that the proposed site would be well located to serve holidaymakers passing through the area on the M4 and A429/A350 routes, as well as those seeking longer stays in the area. I neither saw nor heard any evidence which clearly demonstrated to me that there was no demand for the proposal or that the location of the site in relation to the remainder of the farm would make it difficult to operate. I have taken into account the emphasis

contained in recent government guidance concerning the need to encourage diversification of the agriculture industry and the contribution that tourism can make to the local rural economy. In my opinion, the proposal would comply with the provisions of the development plan and national guidance in this regard.

18. Being close to the motorway, the site was subject to high noise levels. However, I am satisfied that bunds of the type proposed would be sufficient to reduce noise levels on the site to acceptable levels. No clear evidence was put before me to show that any noise reflected by the bunds would make living conditions at Clanville noticeably worse.
19. I have taken into account all the other matters raised but none are sufficient to outweigh my conclusions on the main issue which have led to my decision on this appeal.

Conditions

20. I have considered the list of conditions suggested by the Local Planning Authority in the light of the advice contained in Circular 11/95. I have imposed the standard time limit condition appropriate for a full planning permission. The submitted details do not include details of the reception building shown on the plans. As agreed at the Hearing, I have imposed a condition clarifying that a separate permission would be required for that structure. In the interests of highway safety, I consider that conditions are necessary to ensure that the proposed access is constructed before any other part of the proposal is commenced and to require that all vehicles associated with the construction and subsequent use of the site employ only that access. I consider that conditions requiring the proper surface treatment of the junction and drive are necessary to ensure the acceptable appearance and convenient use of the site access. I have also imposed a condition requiring visibility splays at the junction between the site access and the public highway. Conditions requiring the implementation and maintenance of an approved landscaping and planting scheme are required to ensure the satisfactory appearance of the development. Conditions are necessary to ensure that the proposed bunds are constructed in an approved manner before the use is commenced in order to screen the site from motorway noise and view.
21. I have already referred to the need for conditions regarding boundary fences and limiting the bund construction operations. I was informed at the Hearing that an on-site sewage treatment plant is intended. No details have been submitted and I consider that these need to be assessed in order to ensure that no nuisance is caused to neighbours. I have, therefore, imposed an appropriate condition. Maintenance of the plant would be ensured under other legislation.
22. I have imposed a condition preventing occupation of any of the pitches on the site between the beginning of November and the beginning of February in order to prevent their occupation on a permanent basis. This would be contrary to national guidance which seeks to limit new dwellings in the countryside whilst encouraging tourism.
23. I have made a number of minor alterations to the wording of some of the conditions to bring them in line with Circular advice and to reflect the particular circumstances of the case.

Conclusions

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

25. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for use of land for the stationing of touring caravans and tents at land at Stanton, nr. Chippenham, Wiltshire in accordance with the terms of the application [Ref. 00/01776/FUL], dated 15 June 2000, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) Notwithstanding any details shown on the approved plans, this permission does not give any approval for the indicated reception building. Construction of such a building would require a separate planning permission.
- 3) Development shall not begin until details of the surfacing and drainage of the proposed access road and its junction with the highway have been approved in writing by the Local Planning Authority.
- 4) Before the access hereby permitted is brought into use, visibility splays at the junction of the access with the public highway shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. No objects exceeding 0.6 metres in height above the level of the public highway shall be placed within the visibility splays and when provided the visibility splays shall thereafter be retained in accordance with the approved details.
- 5) No other part of the works hereby permitted, including any works involved in the construction of the permitted bunds, shall be commenced before the means of vehicular access to the site has been constructed and surfaced in accordance with the approved details.
- 6) All vehicular access to the site associated with the construction of the permitted bunds, the laying out of the site and the operation of the site for the permitted purpose, shall be by way only of the access hereby permitted and constructed in pursuance of condition 5) of this permission.
- 7) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include existing trees and hedges; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); and, proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
- 8) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within 12 months of the completion

- of the bunds in accordance with condition 14) of this permission or in accordance with a programme agreed in writing with the Local Planning Authority.
- 10) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
 - 11) No development shall take place until details of earthworks and bunds, including details of materials and profiling, have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details before the use hereby permitted is commenced.
 - 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be carried out in accordance with the approved details and completed before the use hereby permitted is commenced.
 - 13) The use hereby permitted shall not be commenced until works for the disposal of sewage have been provided to serve that development in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
 - 14) All operations involved in the construction of the permitted bunds, including the delivery of materials to the site, the shaping of the bunds and the spreading of topsoil, shall be undertaken only between the hours of 0800 and 1800 on Mondays to Fridays inclusive and between 0800 and 1300 on Saturdays. No such operations shall be undertaken on Sundays or Bank Holidays.
 - 15) The appellants shall give written notice to the Local Planning Authority of the date of commencement of the construction of the permitted bunds no later than 14 days before that date. All operations involved in the construction of the permitted bunds shall be completed within 6 months of the notified date of commencement of their construction.
 - 16) No pitch on the site shall be occupied by a caravan, camper van or tent between 1 November in any one year and 1 February in the succeeding year.

Information

26. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
27. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.
28. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted

conditionally or if the authority fails to give notice of its decision within the prescribed period.

A handwritten signature in black ink, appearing to be 'L. Smith', written over a horizontal line.

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr D R Pearce BSc (EstMan), Appellant's agent
FRICS
Mr R Brown BSc(Hons), MRICS Agricultural advisor
Mr G Ridout Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr L Robertson MA, DipUD, Senior Planning Officer
BSc(Hons), MRTPI

INTERESTED PERSONS:

Mr D H Sugden Clanville, Stanton St Quintin
Mrs N Bird Chairman, Stanton St Quintin Parish Council

DOCUMENTS

Document 1 List of persons attending the Hearing
Document 2 Copy of letter informing interested persons of the Hearing details
Document 3 Statement by the Local Planning Authority
Document 4 Statement and appendices by the appellant's agent
Document 5 Copy of letter to the appellant's agent from Thring Townsend Solicitors
Document 6 2 letters of support for the appellant's proposal provided by the appellant
Document 7 Plan showing the agricultural holding provided by the appellant

PLANS

Plan A Drawing no. LDC.407.001
Plan B Drawing no. LDC.407.A.002 Superseded
Plan C Drawing no. LDC.407.A.003 Superseded
Plan D Drawing no. LDC.407.A.004 Superseded
Plan E Drawing no. LDC.407.A.005 Superseded
Plan F Drawing no. LDC.407.A.004A Amended
Plan G Drawing no. LDC.407.A.005A Amended
Plan H Drawing no. LDC.407.A.006A
Plan I Drawing no. LDC.407.A.007