



Appeal Decisions

Site visit made on 3 April 2012

by Mike Moore BA(Hons) MRTPI CMILT MCIHT

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

Decision date: 16 May 2012

Appeal A: APP/E9505/A/12/2169339

Broad Farm Camping & Caravan Park, Main Road, Fleggburgh, Norfolk, NR29 3AF

- 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 Archie Shingles against the decision of The Broads Planning Authority.
 - The application Ref BA/2011/0258/CU, dated 16 July 2011, was refused by notice dated 4 October 2011.
 - The development proposed is described as a change of use to regularise permanent occupation as workers/caretaker accommodation for family employees to provide a 24/7 on site presence to improve security and reduce rising crime level.
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Appeal B: APP/E9505/A/12/2169337

Broad Farm Camping & Caravan Park, Main Road, Fleggburgh, Norfolk, NR29 3AF

- 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 Archie Shingles against the decision of The Broads Planning Authority.
 - The application Ref BA/2011/0167/CU, dated 5 May 2011, was refused by notice dated 12 August 2011.
 - The development proposed is described as a change of use to provision of 10 No additional 'static' caravans in lieu of 'touring' caravan pitches to be considered as a 'small extension', 25 No statics licensed currently but only 24 No pitches in place.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Appeal A concerns a change of use relating to the occupation of 2 static caravans which the planning application form indicates had taken place in 2008. I have therefore treated this as relating to an application where development had been carried out before the application was made. The caravans were on site and occupied at the time of my visit.
4. After the two appeal applications were determined by the Authority it adopted the Broads Authority Development Management Policies (DMP). Under the Regulations, where a policy is intended to supersede another policy in the adopted development plan this must be stated and the policy identified. In its

appeal statement the Authority has indicated that all the policies from the Broads Local Plan (LP) referred to in the reasons for refusal (for both appeals) have been superseded. However, it has continued to refer to them in its statement of case and other submissions. I must determine the appeals in accordance with the development plan as it is now and not as it was when the applications were determined and as the LP policies are superseded I have attached no weight to them in my decision.

5. The Government published the National Planning Policy Framework ('the Framework') in March 2012, after the appeals were made. The main parties were consulted on the implications of this for these appeals and I have taken into account the comments received.

Main Issues

6. A main issue for Appeal A is whether the case for the change of use is sufficient to justify an exception to policies designed to protect the countryside. In the case of Appeal B, there is a main issue in terms of the effect of the proposed development on the local economy. A main issue for both appeals is the effect of the proposed development on the character and appearance of the area.

Reasons

7. Broad Farm Camping and Caravan Park occupies a site of some 10ha to the east of the village of Fleggburgh. It comprises touring caravan pitches, 24 static caravan pitches and camping areas. The main entrance is off the A1064 Main Road at the eastern end of the site where most of the facilities are located, including the manager's house, bar, shop, amusements, play area and outdoor swimming pool. There are a number of service blocks on the site.

Need (Appeal A)

8. The appeal site is outside the development boundary for Fleggburgh in an area where development plan policies for the countryside apply. The Framework indicates that isolated new homes in the countryside should be avoided unless there are special circumstances including whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This is a similar aim to that in Planning Policy Statement 7 (PPS7) which in this respect the Framework has replaced. However, the detailed advice that was in Annex A of PPS7 no longer forms part of national policy.
9. The two caravans are towards the western end of the Park, adjacent to a shower and toilet block. This part of the Park is used for touring caravans and tents. Having regard also to the proposals in Appeal B, as residential units the caravans are nevertheless in an isolated location. Broads Authority Core Strategy (CS) Policy CS24 only permits housing outside settlements where necessary in connection with tourism operations. DMP Policy DP26 indicates that new dwellings for rural workers outside development boundaries will be permitted if they meet a series of criteria. I consider that this approach is consistent with the aims of the Framework.
10. Taking account of these criteria, the Park is a well established facility and holiday destination having been operating for over 50 years. The appellant's case for a full time worker to be available at all times is based mainly on the need to provide services to the public and to provide security. However, while

there may be a need for additional staff on site during the main holiday season there is already a manager's house present. The use of the site by touring caravans is restricted by planning condition to between March and October and the use of camping tents in the winter months is likely to be very limited. It is not clear why it would be necessary for there to be additional full time workers available at all times to provide services to the public and for the enterprise to function properly.

11. Turning to security, the appellant has provided crime reports relating to incidents on the site since 1995. These include some incidents since the 2 caravans were on the site, although it is not clear whether the appeal caravans were occupied on those occasions. The existing manager's house is at one end of the Park and close to the main entrance. It is much closer to the main site facilities than the appeal caravans. However, this is a long site and the house is some distance from the western end which is more secluded due to the on site vegetation. The site can be accessed at points other than the main entrance and there are public footpaths across it.
12. With the adjacent toilet block and nearby trees the two caravans are in a well screened part of the site which, despite their location, restricts the direct surveillance they can give to parts of the eastern end of the site. As they are not prominent, this limits the crime prevention value they can offer by their presence. The existing area of static caravans is some distance away and cannot be seen from the two appeal caravans, limiting their value in this regard in the winter months when there would be few tourers or tents. The planning application indicates that they are one bedroom units but they are large enough to provide more accommodation than that. It is not clear why a single unit would not provide the required security. The appellant considers that due to the size of the site the costs of introducing surveillance and monitoring equipment would be prohibitive. However, I have seen no estimates of the costs of remote surveillance options, particularly those which would provide equivalent coverage to the two caravans. Notwithstanding the incidents that have been recorded I am not persuaded that there is a demonstrable need for the caravans in this position on the grounds of security and crime prevention.
13. As the appellant considers that there is a functional need for the caravans to be on the site itself and that this cannot be met by the existing manager's house, no evidence has been presented on whether there are other existing dwellings in the locality that could meet the need.
14. Having regard to these considerations, I conclude that the case for the change of use in Appeal A is insufficient to justify an exception to policies designed to protect the countryside. It would therefore conflict with the aims of DMP Policy DP26.

Local economy (Appeal B)

15. The Appeal B proposal entails the siting of 10 static caravans which would be additional to those already on the site and would replace existing touring caravan pitches. Of these, 3 would be adjacent to the two caravans that are the subject of Appeal A. The other 7 would be in the northern part of the central section of the site.
16. Tourism makes a significant contribution to the Broads economy. The Framework supports sustainable rural tourism developments that benefit

businesses in rural areas, communities and visitors and which respect the character of the countryside. CS Policy CS12 indicates that additional holiday accommodation will be situated in sustainable locations to achieve, in part, continuing income to local businesses. DMP Policy DP14 supports new tourism development where it is closely associated with an existing tourism site but sets out criteria against which proposals will be assessed. Policy DP15 permits new holiday accommodation where, amongst other things it complies with the criteria in Policy DP14. In general I consider that the thrust of the development plan policies accords with the aims of the Framework.

17. The Appeal B proposal would replace some touring caravan pitches which are generally smaller than those for static caravans. I have not seen an amended layout or other evidence that would demonstrate the overall effect of the proposal on the numbers of different types of pitches. The appellant has referred to a re-organisation of pitches rather than a reduction but has not challenged the Authority's statement that the density of caravans is controlled by a planning permission granted in 1980. In that context, I consider that some reduction in touring caravan pitches would occur, at least equivalent to the increase of 10 static pitches.
18. From the submitted evidence the proposed static caravan pitches would be let to users who would own the caravans placed on them. The appellant considers that the proposal is necessary to support the expansion of the existing tourism business in order to keep pace with a changing customer base. There is a demand for self catering accommodation. Supporting material for the planning application indicates that the proposal would be commercially viable. It would provide a more secure income to the Park than tourers or tents. However, it is not clear from the appeal submissions as to whether the income from this source would be expected to be greater than that lost from the tourers. Furthermore, I have not seen evidence that would indicate that the viability of the site would be at risk if the Appeal B proposal did not proceed. The planning application form does not indicate that there would be any change in employment on the Park.
19. In terms of wider economic impacts, in general terms the submitted evidence shows that spending by a family in a rented caravan is significantly more than that in one owned. The appellant considers that static users are more likely to use local facilities than tents or tourers who would bring their own supplies. Nevertheless, as static caravans offer a much higher standard of accommodation and catering facilities I consider that it is likely that they would be more self contained than the other users of the Park. Touring caravan use is focused in the main summer season whereas static owners favour weekends over a longer period. However, unless the statics are sub-let the touring pitches offer the potential for a more frequent turnover of visitors. Visits by owners of static caravans are likely to be more limited overall. In the absence of any detailed site specific information on turnover, variations in occupancy levels and duration of stay, I consider that there is a significantly greater benefit to the local economy from touring caravans than from statics owned by their users.
20. A key element of DMP Policy DP15 is that it is seeking to ensure that new holiday accommodation is available for short stay occupation on a rented basis and not used as a second home. The DMP indicates that it should be available for holiday lettings for a substantial period of the year and not occupied by the

same people. This could be controlled by condition but as this would appear to run counter to the appellant's intentions it is not an option that I should consider here.

21. The appellant has argued that the use of static caravans as second homes will leave properties available for the local community to retain for affordable housing for first time buyers. However, while I have not seen comparative costs for a caravan set against those of purchasing a dwelling, albeit as a second home, on the basis of my experience I consider that there would be a significant difference between the two and as a result I can attach little weight to this consideration in my decision.
22. The Park is a long established local business, contributing to the Broads economy. However, on the basis of the evidence submitted relating to the appeal I consider that the Appeal B proposal would materially reduce the overall number and frequency of visitors. I conclude that the Appeal B proposal would be harmful to the local economy. Accordingly it would conflict with the aims of DMP Policy DP15.

Character and appearance (Appeals A and B)

23. Within the site boundaries the Park has a mainly open character comprising large grassed areas but there is a copse of trees and hedges to the western end. There is mature vegetation on or adjacent to the Park boundary which restricts views into the site both from the A1064 to the north and Filby Broad to the south.
24. The Authority is concerned that the proposals are not part of a comprehensive scheme to enhance the site as a whole. This was a requirement of a now superseded LP policy which sought to restrict extensions to existing static caravan sites to small extensions that were part of such a scheme but this has not been included in the DMP. However, the proposals for both appeals include additional planting along a section of the northern boundary adjacent to the A1064 where the existing vegetation is less dense and where there are some existing views into the Park. There would also be some additional trees and hedgerow planting within the central section of the site. I consider that boundary landscaping would address concerns over views from outside the site of the 7 caravans proposed in the central section. The two Appeal A caravans and the 3 proposed next to them in the Appeal B scheme are already screened from views from outside the site. The degree of enclosure of the site would be increased and in this context in terms of impact on the wider landscape I agree with the Authority's conclusion in relation to Appeal B that the proposals would not be incompatible with the findings of its Landscape Character Assessment for the area.
25. The appeal caravans would nevertheless be seen from within the Park, including from the public rights of way. In the winter months, when the use of the Park for tourers is prevented by condition, both proposals, either individually or in combination, would appear isolated with a significant separation from the main area of development. As the Appeal A proposal is to retain the existing caravans, the design of those is known, and from the limited details shown on the application form it would appear that caravans of a similar style are proposed in Appeal B. In the context of the high standard of design required for all new development in the Broads in DMP Policy DP4 and more generally in the Framework, the appearance of the caravans and their isolation

from the main facilities at the eastern end of the site would mean that they would not integrate effectively with their surroundings for a significant part of the year. As this is an established caravan park this harm would not be sufficient by itself to dismiss the appeals but it adds weight to my conclusions on the other main issues.

Conclusion

26. In the light of the above assessment, I have considered the policies in the Framework, including the presumption in favour of sustainable development, but they do not change the weight that I attach to the relevant development plan policies nor, in the light of the facts in this case, do they alter my conclusions on the main issues. With the introduction of appropriate measures that could be secured by condition, flood risk concerns on the site could be addressed. However, neither this nor any of the other matters raised are of such significance that they would outweigh the considerations that have led to my conclusions on the main issues. For the reasons given above I conclude that both appeals should be dismissed.

M J Moore

INSPECTOR