

DECISIONS – 14 NOVEMBER 2019

Site: Lower Tollands, New Road, West Bagborough, Taunton, TA4 3EP

Proposal: Appeal A – Variation of Condition No 7 (stationing and occupation of caravans on site between November and February inclusive) of application 45/14/0004 at Lower Tollands, New Road, West Bagborough

Appeal B – Variation of Condition No 6 (stationing of caravans between November and February inclusive) of application 45/15/0015 at Lower Tollands, New Road, West Bagborough (resubmission of 45/17/0009)

Application number: Appeal A – 45/18/0014
Appeal B – 45/18/0013

Reason for refusal: Appeal A – Allowed
Appeal B – Allowed



The Planning Inspectorate

Appeal Decisions

Site visit made on 1 October 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal A Ref: APP/D3315/W/19/3232618

Lower Tollands, New Road, West Bagborough, Taunton TA4 3EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Ayre against the decision of Taunton Deane Borough Council.
 - The application Ref 45/18/0014, dated 02 November 2018, was refused by notice dated 27 February 2019.
 - The application sought planning permission for change of use of land from horticulture to camping ground with the erection of 2 no. communal shower blocks, 2 no. communal barbeque areas with decking, erection of 3 no. timber pods, 1 no. mobile shepherds hut and creation of access tracks and caravan pitches on Land Off New Road, West Bagborough (as amended) without complying with a condition attached to planning permission Ref 45/14/0004, dated 12 June 2014.
 - The condition in dispute is No 7 which states that: *'No caravans shall be stationed and or stored unoccupied on the site between November and February inclusive.'*
 - The reason given for the condition is: *'To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.'*
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Appeal B Ref: APP/D3315/W/19/3232615

Lower Toollands, New Road, West Bagborough, Taunton TA4 3EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Ayre against the decision of Taunton Deane Borough Council.
 - The application Ref 45/18/0013, dated 02 November 2018, was refused by notice dated 27 February 2018.
 - The application sought planning permission for alterations to camp site layout to include formation of re-routed and additional trackways, replace eastern tent area with 4 no. seasonal / touring caravan pitches, re-positioning of ablutions block and bar-b-que, erection of 2 no. additional timber pods and erection of sound reducing fencing at Lower Toollands, New Road, West Bagborough without complying with a condition attached to planning permission Ref 45/15/0015, dated 09 March 2016.
 - The condition in dispute is No 6 which states that: *'No caravans shall be stationed and or stored unoccupied on the site between November and February inclusive'*.
 - The reason given for the condition is: *'To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy'*.
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Decisions

1. **Appeal A** – The appeal is allowed and planning permission is granted for change of use of land from horticulture to camping ground with the erection of 2 no. communal shower blocks, 2 no. communal barbeque areas with decking, erection of 3 no. timber pods, 1 no. mobile shepherds hut and creation of access tracks and caravan pitches (as amended) at Lower Toollands, New Road, West Bagborough, Taunton TA4 3EP in accordance with the terms of the application Ref 45/18/0014 dated 02 November 2018 without compliance with condition No 7 previously imposed on planning permission Ref 45/14/0004, dated 12 June 2014, but subject to the conditions in the attached schedule.
2. **Appeal B** – The appeal is allowed and planning permission is granted for alterations to camp site layout to include formation of re-routed and additional trackways, replace eastern tent area with 4 no. seasonal / touring caravan pitches, re-positioning of ablutions block and bar-b-que, erection of 2 no. additional timber pods and erection of sound reducing fencing at Lower Toollands, New Road, West Bagborough, Taunton TA4 3EP in accordance with the terms of the application Ref 45/18/0013, dated 02 November 2018, without compliance with condition No 6 previously imposed on planning permission

Ref 45/15/0015, dated 09 March 2016, but subject to the conditions in the attached schedule.

Background and Procedural Matters

3. In the interests of brevity, I have removed references to the site address from the descriptions of development in my decisions above.
4. The reason for refusal within both decision notices refers to additional caravans within the site. However, neither proposal would increase the quantum of caravan pitches above that already approved, and I assessed the appeals on that basis.
5. The caravan site at Lower Toollands was created following the granting of planning permission in 2014 under Ref 45/14/0004, and its layout was subsequently altered to increase the quantum of caravan pitches in 2016 under Ref 45/15/0015. Both appeals contain a duplicate condition which precludes the stationing of caravans between the months November and February inclusive. The appellant wishes for both conditions to be removed, which has led to the two appeals at the site. I have considered each on its individual merits. However, given the circumstances, I have dealt with the two appeals together, except where otherwise indicated.

Main Issue

6. The main issue is therefore the effect of removing the respective conditions on the character and appearance of the area, with particular regard to the setting of the Quantock Hills Area of Outstanding Natural Beauty.

Reasons

7. The appeals relate to the caravan site at Lower Toollands, which occupies a rural location to the south of the settlement of West Bagborough. It contains camping and caravan pitches, camping pods and ancillary structures and has planning permission to operate on a seasonal basis, with a close season between November and February. The surrounding area is characterised by

attractive open farmland interspersed by farmsteads, settlements and other groupings of buildings. The Quantock Hills Area of Outstanding Natural Beauty (the AONB) is located approximately 400m to the north of the appeal site.

8. Lower Toollands is enclosed by significant tree and vegetation lined boundaries to the west, south and east. When seen in limited and filtered views through these boundaries, the existing caravan site is read within the context of the substantial group of two storey holiday lets at 'The Coombes', which are immediately adjacent the site to the north. The caravan site is also experienced in conjunction with the appellant's two-storey dwelling at Lower Toollands. These factors lead the caravan site to have a very limited visual effect within the landscape.
9. The Council considers that tourism facilities and caravans are not commonplace, and particularly unexpected during the winter months. However, the evidence before me indicates that tourism is an established industry within the area and, in addition to the appeal site, there are other tourism sites within the vicinity. This includes the site at Quantock Orchard, which contains permanently sited static units and also bounds the A358, close to the AONB. As such, I find that caravan sites and movements are a recognised and continuous feature of this rural landscape.
10. That is not to say that such development should not be appropriately placed, as, when poorly sited, generically designed caravans can appear harmfully strident. In this case, the caravans and associated trappings would be present on-site during winter months, when the effectiveness of the natural screening is reduced. Consequently, they would be more visible from the elevated positions of the PROW, the rural lane to the south and east, and in the more distant views from around the vehicular entrance to the farm at Crossways and from within the AONB to the north.
11. However, views from the PROW would still be filtered to an extent by the bare trees and vegetation and would be further screened by the landscaping scheme which accompanies the appeals. The additional landscaping can be secured by condition. Views from around Crossways and within the AONB would be at such a distance that the limited number of caravans that would be visible would be a small and largely inconsequential feature within the landscape.
12. Furthermore, the caravans would continue to be experienced within the immediate context of, and in clear subservience to, the adjacent larger buildings, particularly those which form The Combes. Any light emitted from the caravans during hours of darkness would be seen within the context of the light pollution that would be generated by these existing buildings. Given the circumstances, I find that the extended presence of caravans within the site would not appear incongruous within this landscape. In addition, having regard to my duties in this respect¹, I find that there would be no harm to the nearby AONB, the natural beauty of which would be conserved.
13. I therefore conclude that the proposals would have an acceptable effect on the character and appearance of the area, with particular regard to the setting of the Quantock Hills Area of Outstanding Natural Beauty. The proposals would accord with the visual amenity aims of Policies DM1 and CP8 of the Taunton Deane Core Strategy 2011-2018 (adopted 2012) and Policy SB1 of the Site

¹ Section 85 of the Countryside and Rights of Way Act 2000

Allocations and Development Management Plan (adopted 2016). I also find no conflict with the cited guidance within the Quantock Hills AONB Management Plan 2019-2024 and the National Planning Policy Framework.

Other Matters

14. Although I note representations regarding the potential static and full-time residential occupation of the pitches, the original planning permissions include respective conditions which restrict the site to tourism use. I appreciate that extending the open season of the site would lead to more prolonged views of the caravans from private dwellings, and logically increase the potential for noise and disturbance. However, there is no substantive evidence before me that the proposals would unacceptably affect the living conditions of neighbouring occupants. Although it has been suggested that the schemes would negatively affect the economy, I find it more likely that extending the tourism offer at the site would deliver modest economic benefits.

Conditions

15. In the event that I was minded to allow either appeal, the Council requested conditions to be applied, which I have assessed with regard to the tests set out in the Framework and the advice of the Planning Practice Guidance. I have amended them where appropriate for the sake of clarity and precision.
16. Although not suggested by the Council, conditions requiring compliance with the approved plans are necessary in the interest of certainty. This includes the lighting plan originally set out in regard to Ref 45/14/0004 in relation to Appeal A. Conditions are required on both appeals to ensure that the approved quantum of tourism units within the site remain in tourism use. In the interest of highway safety, it is essential that the site access remains to its approved specification. To safeguard the character and appearance of the area, conditions are required to restrict the erection of means of enclosure and ensure that the identified landscaping is delivered and retained.

Conclusion

17. For the reasons outlined above, and taking all matter raised into account, I shall allow both appeals.

Matthew Jones

INSPECTOR

Appeal A – Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: TJA-2-01, TJA-2-02c, TJA-2-03f, TJA-S-01b, TJA-S-02a, TJA-S-03b, TJA-S-04c, TJA-S-05.
- 2) The caravans, timber pods and shepherds hut shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual caravans, timber pods and the shepherds hut on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.
- 3) No other caravans, motorised accommodation, timber pods or shepherds huts, other than twelve touring caravans, three timber pods and one shepherds hut shall be positioned on the site hereby permitted at any one time and these shall be positioned within the areas identified on the approved plan.
- 4) There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 43 metres to the south of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.
- 5) No lights other than those shown on the approved plan TJA-2-03f shall be installed on site without the further grant of planning permission.
- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no gates, fences, walls or other means of enclosure, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- 7) Within three months of the date of this decision details of landscape works shall have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details by the end of the first planting season following approval of the details. Any tree or shrub which, within a period of 5 years from the date of the permission dies, becomes damaged or diseased shall be replaced by others of a similar species.

Appeal B – Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: TJA-3-15-02, TJA-3-15-01B.
- 2) The four seasonal/touring caravan pitches and two timber pods hereby approved shall only be occupied for holiday purposes and shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of names of all owners/occupiers of individual caravans and timber pods and of their main addresses and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.
- 3) The existing visibility and the main site entrance shall have no obstruction to visibility greater than 900mm above the adjoining road level when drawn 2.4m back from the carriageway edge on the centre line of the access extending on the nearside carriageway edge for a distance of 43m to the south of the access and retained thereafter.
- 4) No external lighting should be directed towards any tree or hedge lines.
- 5) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 no gates, fences, walls or other means of enclosure shall be carried out without further grant of planning permission.
- 6) Within three months of the date of this decision details of landscape works shall have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details by the end of the first planting season following approval of the details. Any tree or shrub which, within a period of 5 years from the date of the permission dies, becomes damaged or diseased shall be replaced by others of a similar species.