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# Appeal Decision

Hearing held on 24 January 2013

Site visit made on 24 January 2013

**by John L Gray DipArch MSc Registered Architect**

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

**Decision date: 7 February 2013**

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## **Appeal Ref. APP/P2365/A/12/2181220**

### **Abbey Farm Caravan Park, Dark Lane, Lathom, Ormskirk, L40 5TX**

- 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 R Perkins against the decision of West Lancashire Borough Council.
  - The application, ref. 2011/1039/FUL, dated 21 September 2011, was refused by notice dated 25 June 2012.
  - The development proposed is the siting of 14 additional timber-clad holiday caravans (lodges) within the existing confines of Abbey Farm Caravan Park, together with landscape planting.
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### **Decision**

1. The appeal is allowed. Planning permission is granted for the siting of 14 additional timber-clad holiday caravans (lodges), together with landscape planting, at Abbey Farm Caravan Park, Dark Lane, Lathom, Ormskirk, L40 5TX, in accordance with the terms of the application, ref. 2011/1039/FUL, dated 21 September 2011, subject to the conditions set out in the schedule attached to this decision.

### **Main Issues**

2. There are two main issues, flowing from the reasons for refusal. The first issue is a composite one: whether the proposed development would be inappropriate in the Green Belt and, if so, whether very special circumstances have been put forward that would clearly outweigh harm by reason of inappropriateness and any other harm, including on the openness of the Green Belt and on the visual character and appearance of the area. The second issue is whether there would be harm to protected species or habitats of importance.

### **Reasons**

3. The application describes the location of the proposal as "within the confines" of the Caravan Park. That may be – but the site is not within the area enjoying planning permission for the siting of caravans. At present, 29 static caravans and 86 touring caravans are permitted. The proposal would increase the number of static caravans to 43. Part of the appeal site and the land to its north was being used for the storage of touring caravans when I made my inspection. That has been the subject of enforcement action by the Council and has been disregarded in coming to this appeal decision.

## ***First main issue***

### Inappropriate development in the Green Belt?

4. Saved Policy DS 2 from the West Lancashire Replacement Local Plan may permit the change of use of land (which is what this would be) where that would maintain the openness of the land and would not conflict with the purposes of including land in the Green Belt. That is consistent with what was said in Planning Policy Guidance Note 2: Green Belts (PPG2), which was superseded by the National Planning Policy Framework. Paragraphs 89 and 90 of the Framework make no mention of change of use in addressing the forms of development that may not be inappropriate in the Green Belt. That is up-to-date national policy and a material consideration of sufficient importance to outweigh the provisions of saved Policy DS 2. Whatever the position when PPG2 was extant, there can be no doubt that the change of use of land should now be considered as inappropriate development in the Green Belt.

### Harm to openness and visual impact

5. The siting of 14 static caravans on previously undeveloped land would be bound to reduce the openness of the Green Belt. The drawings submitted with the application show a lodge about 12.2m x 6.1m on plan and 3.9m high. There would be six of those and eight smaller ones (the same length but scaling a little less than 4.0m wide). It is of little moment in the context of openness and visual impact that they would be static caravans rather than permanent buildings, even if the differentiation may have been relevant when considering potentially inappropriate development under PPG2 and Policy DS 2. In visual terms, the static caravans would have the appearance of 14 new buildings where previously there had been none.
6. That would inevitably reduce the openness of the Green Belt. It would also run contrary to one of the five purposes of including land in the Green Belt, reiterated in paragraph 80 of the Framework – to assist in safeguarding the countryside from encroachment.
7. On the other hand, the visual impact of the proposal would be very limited, even without the landscaping proposed along the northern boundary of the appeal site. There is already a significant tree belt to the west. Trees around the southerly perimeter of the Caravan Park prevent views from the south, from which direction the appeal site is anyway beyond a paddock approved for the siting of 22 touring caravans. Views from the east are towards the existing Caravan Park. It is only from the north that the proposed caravans might be seen, in fleeting glimpses from trains passing just to the north and (at some distance), from the A59 road. They would also be seen by people using Abbey Lane, the public footpath which is also the access to the Caravan Park from the south; it passes through the site, crosses the railway line and continues northwards past an industrial area to the A59 a little to the west of Burscough.
8. The application plan proposes a native hedgerow along the northern boundary of the site and tree planting within it. The latter would be primarily for the benefit of occupiers of the caravans, the intention being to provide a high quality setting. The hedgerow would contribute to that, providing a sense of enclosure to the area. It would also, if designed and allowed to grow to 4.0m or more, effectively prevent the caravans being seen from viewpoints to the north. They would still be visible from Abbey Lane – but screened by the existing hedgerow and trees and in the context of the existing Caravan Park.

9. Thus, with the site boundaries properly landscaped, the proposed additional caravans would have no significant harmful visual impact in the surrounding countryside. Indeed, the proposed hedge along the northern boundary might even be considered a landscape enhancement.

#### Other considerations

10. There are a number of other considerations to be weighed in the balance.
11. The National Planning Policy Framework supports a prosperous rural economy, including supporting both "the sustainable growth and expansion of all types of business and enterprise in rural areas ..." and "rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside". The second of these includes supporting the expansion of tourist facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. That does not outweigh Green Belt policy, which is set out elsewhere in the Framework, but it must certainly be a material consideration.
12. The existing caravan park is substantial, well-established and cannot be considered as other than a permanent feature in this rural area. It may be well-screened but screening cannot obscure all signs of development and itself must influence the visual character of the landscape. The Council accepts that there are no obvious sites in rural service centres to meet whatever need or demand there may be – and, if there is a need or demand to be satisfied, any other possible location would almost certainly also be in the Green Belt, would be inappropriate development within it and would have to be assessed by the same process as this appeal proposal.
13. Then there is economic sustainability. An extension to an existing caravan park should be much more economically sustainable than creating a new one – it would involve the improvement of existing facilities rather than the provision of new; and that would likely benefit users of the existing caravan park. Some existing users of Abbey Farm Caravan Park have expressed strong interest in the proposal, which suggests that, once advertised more widely, ample demand would materialise. However, it is a moot point whether such a demand would equate to a need for the proposed development which would have to be met somewhere within the constrained boundaries of the administrative district.
14. The financial viability of the existing business comes under the same economic sustainability umbrella. The appellant's bank has no wish to extend its facilities beyond their existing level and sees the appeal proposal as the means by which to service the existing loan; it sees a need for the business to generate additional revenue through "static sales". And the generation of new revenue enables investment in new or existing facilities on site, enabling the Caravan Park's rating, and thus its income, to be maintained.

#### Conclusion on first main issue

15. The appeal proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework, even if it might be argued not to be in the context of Local Plan Policy DS 2. By definition, therefore, the appeal proposal would be harmful to the Green Belt. It would decrease the openness of the Green Belt simply because there would be static caravans where previously (ignoring the stored touring caravans) there was open land. On the other hand, the proposal would have no significant visual impact,

especially once the proposed hedge along the northern boundary had become well-established.

16. Very special circumstances are necessary to justify inappropriate development in the Green Belt but, in this case, the harm to be outweighed by those circumstances is limited. The support given to a prosperous rural economy by the National Planning Policy Framework, the support for tourism by the Council, the apparent or likely demand for static caravan provision and the fact that almost any other location would be in the Green Belt, and thus similarly constrained, are all considerations weighing in favour of the proposal. So too is the fact that this would be a modest extension to a well-established existing facility in the Green Belt, added to which is the advice that the financial viability of that business needs to be secured by the generation of additional revenue. Taken together, these other considerations amount to very special circumstances clearly outweighing the harm to the Green Belt by reason of inappropriateness and the very modest impact arising from loss of openness and visual impact.

### ***Second main issue***

17. Neither the appeal site nor any adjoining land is designated for its wildlife or biodiversity importance, either nationally or locally. The Council has no evidence to lead it to believe that there may anything of biodiversity value or importance in or adjoining the site. It did not consult Natural England or any local body at the application stage. The reason for refusal is based solely on the failure of the appellant to submit an ecological survey. Yet it made no request for one, perhaps strangely given its request for an archaeological assessment. Accordingly, there is no evidence of any significant biodiversity interest, nor even any evidence to suggest a precautionary approach.
18. Saved Local Plan Policy EN 1 addresses Nature Conservation Sites, Wildlife Corridors and Protected Species. It has a note that it covers all the sites and corridors shown on the Proposals Map or which may be identified in the future. The appeal site is neither a Nature Conservation Site nor a Wildlife Corridor; protected species are dealt with by the Wildlife and Countryside Act 1981, in the (apparently very unlikely) event that any such species were to be found on the appeal site. There is no conflict with the provisions of Policy EN 1 and no evidence at all to suggest that the biodiversity reason for refusal is justified.
19. Natural England's standing advice indicates that surveys "may" be required for grassland or woodland on or adjacent to the site. The larger part of the site could qualify as semi-natural grassland but the remainder of the site is disturbed. There is nothing in the representations or the evidence to suggest any need to undertake surveys which, to infer from the standing advice, should be an option to be taken up if informed judgement suggests it.

### ***Other matters***

20. The owner of Abbey Cottage, which has its access along Abbey Lane, through the appeal site, raised concerns at the application stage about the potential impact of additional traffic on Abbey Lane. It is a single-track road but it has passing places at adequate intervals. Also, these would be static caravans and so, after their installation, the traffic generated would be additional cars only. There would be no additional towing of caravans as a result of the appeal proposal. One of the suggested conditions was for visibility splays at the site access, at the junction of Abbey Lane with Dark Lane – but it was established

at the site inspection that the visibility splays being sought already existed. There is no cogent traffic or highway safety objection to the proposal.

**Overall conclusion**

21. There are very special circumstances which clearly outweigh the proposal's being inappropriate development in the Green Belt and the (very modest) harm it would cause. There is no objection in relation to biodiversity and no objection on any other matter. Accordingly, the appeal may be allowed, subject to conditions.

**Conditions**

22. The Council suggested 11 conditions in the event that the appeal was allowed, including the standard time-limiting condition and one to identify the approved plans. On the latter, only the location plan and site plan need be identified; the submitted drawings of the lodge were essentially illustrative and a condition to control design as well as materials would adequately cater for absent details of the caravans themselves. Conditions stipulating the maximum number of caravans and their maximum dimensions are unnecessary; the number is identified in the application and the maximum size in other legislation. As indicated above, a condition requiring improved visibility is unnecessary. So too, given the absence of any evidence of potential threat, is a condition requiring an ecological survey.
23. Foul and surface water drainage appear to be resolved but the suggested condition will insure against any presently unrecognised constraint. The hard and soft landscaping conditions may be amalgamated; lighting within the site should be controlled and implementation and maintenance should be provided for; on the other hand, there are no existing trees that need to be retained or protected. A condition ensuring holiday occupation is appropriate but the criterion seeking to limit the period of occupation by any individual or group of people is unenforceable and may be omitted.

*John L Gray*

Inspector

**APPEARANCES at the hearing**

FOR THE APPELLANT:

David Middleton BSc(Hons) MRICS	Partner, Charles F Jones & Sons LLP
Roy Perkins	Appellant
John Perkins	

FOR THE LOCAL PLANNING AUTHORITY:

Ann Veevers BA(Hons) MRTPI	Principal Planning Officer with the Council
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**DOCUMENTS submitted at the hearing**

- 1 Extract from Natural England's standing advice on protected species

**Appeal Ref. APP/P2365/A/12/2181220**  
**Abbey Farm Caravan Park, Dark Lane, Lathom, Ormskirk, L40 5TX**  
**Schedule of conditions attached to planning permission**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following (unnumbered) approved plans: 1.2500 Location Plan and 1.500 Site Plan (Proposed).
- 3) No development shall take place until full details of the design of the static caravans and the materials to be used in the construction of their external surfaces been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) 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. The details shall include: planting plans and details of all trees and hedges; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; lighting; proposed and existing functional services above and below ground; an implementation programme; and a schedule of landscape maintenance for a minimum period of five years. All hard and soft landscape works shall be carried out in accordance with the approved details.
- 5) None of the caravans shall be occupied until foul and surface water drainage works have been completed in accordance with details first submitted to and approved by the local planning authority.
- 6) The static caravans hereby permitted shall not be occupied between 8 January and the last day of February, inclusive, in any year. They shall be occupied for holiday purposes only. None shall be occupied as a person's sole or main residence. The owner/operator of Abbey Farm Caravan Park shall maintain a register of all owners and/or occupiers of the individual static caravans, and of their main home addresses, and shall make it available to the local planning authority on any reasonable request.