



Appeal Decision

Site visit made on 24 June 2008

by **Robin Brooks BA (Hons) MRTPI**

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

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Decision date:
18 July 2008

Appeal Ref: APP/N1350/A/08/2071080
Skipbridge Old Brickworks, Hurworth Moor, Neasham Road, Darlington
DL2 1QL

- 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 Ward Hadland Associates against the decision of Darlington Borough Council.
- The application Ref 07/01064/FUL, dated 26 October 2007, was refused by notice dated 12 February 2008.
- The development proposed is a leisure park for chalet mobile homes (statics only) and associated facilities.

Decision

1. I allow the appeal, and grant planning permission for a leisure park for chalet mobile homes (statics only) and associated facilities at Skipbridge Old Brickworks, Hurworth Moor, Neasham Road, Darlington DL2 1QL in accordance with the terms of the application, Ref 07/01064/FUL, dated 26 October 2007, and the plans submitted with it¹, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until details of a scheme for providing a dedicated right of way from the site to public rights of way south from Neasham Road to Hurworth, and north along Burma Road, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to occupation of any of the static caravans and shall thereafter be retained in accordance with those details.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have 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 details of the static caravans hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 5) No development shall take place until details of all means of enclosure to the site have been submitted to, and approved in writing by, the Local Planning Authority.

¹ Site plan 1/5000 showing proposed footpath link; 1/1250 layout plan; 1/1250 landscaping plan (October 06, revised August 07); 1/100 plans Ref. WHG/07/01 and WHG/07/01A; and Figure 2 to Transport Statement, proposed junction layout as revised and agreed.

- The means of enclosure shall be fully implemented in accordance with the approved details prior to occupation of any of the static caravans and shall thereafter be retained in accordance with those details.
- 6) No development shall take place until details of the proposed access road, including measures to ensure that vehicles entering or leaving the site do so only by that road, have been submitted to, and approved in writing by, the Local Planning Authority. The road shall be laid out in accordance with the approved details prior to any static caravan being brought onto the site and shall thereafter be retained in accordance with those details.
 - 7) The visibility splays to the access road shall at all times be kept clear of any obstructions to visibility exceeding 0.6m above the level of the highway.
 - 8) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of soft and hard landscaping which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development; and an implementation programme. Soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); and schedules of plants, noting species, plant sizes and proposed numbers and densities where appropriate. Hard landscaping details shall include car parking and circulation areas, pedestrian access and circulation areas and hard landscaping materials.
 - 9) All hard and soft landscape works shall be implemented in accordance with the approved details prior to any of the static caravans being occupied or in accordance with the programme approved by the Local Planning Authority under Condition 8. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
 - 10) No development shall take place until protection measures for existing trees, shrubs and hedges to be retained have been provided in accordance with details submitted and approved under Condition 8. Such protection shall be retained in accordance with the approved details until the development has been completed and materials and plant removed from the site, and no works shall be carried out; materials deposited, stored or disposed of; fires lit; or vehicles parked within the areas so protected.
 - 11) No development, other than that required by this condition, shall take place until an investigation and risk assessment to assess the nature and extent of any contamination on the site has been submitted to the Local Planning Authority in accordance with a methodology previously submitted to, and approved in writing by, that Authority.
 - 12) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of all works to be undertaken, remediation objectives and criteria, site management procedures and a programme for implementation.
 - 13) No development, other than that required by this condition, shall take place until the remediation scheme required under Condition 12 has been fully implemented in accordance with the approved details; and a verification report demonstrating the effectiveness of remediation has been submitted to, and approved in writing by, the Local Planning Authority.

- 14) Any contamination found during development works and not previously identified shall be immediately reported in writing to the Local Planning Authority and the procedures for investigation and risk assessment, remediation and verification set out in Conditions 11, 12 and 13 shall be carried out in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority.
- 15) No development shall take place until details of any earth mounding on the site, including that proposed to the eastern boundary, have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include heights, cross sections, means of drainage and any associated planting. The mounding shall be completed prior to occupation of any of the static caravans, and shall thereafter be retained in accordance with the approved details.
- 16) No development shall take place until a scheme for the regulation of surface water and for the disposal of surface and foul water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to occupation of any of the static caravans and shall thereafter be retained in accordance with those details.
- 17) No development shall take place until details of any external lighting have been submitted to, and approved in writing by, the Local Planning Authority. The lighting shall be implemented in accordance with the approved details prior to occupation of any of the static caravans and shall thereafter be retained in accordance with those details.
- 18) No development shall take place until a scheme for conservation of any ponds and wetlands, and including a programme for its implementation, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme.
- 19) Occupation of the static caravan designated for the site manager shall be limited to a person solely or mainly employed in the day to day management of the leisure park or a dependant or dependants of such a person residing with him or her; and the dwelling shall not be occupied other than in association with, and for the management of, the leisure park.
- 20) Other than for the unit referred to under Condition 19, none of the static caravans shall be occupied as a person's sole or main place of residence or be occupied between 1 December in any one year and 31 January in the succeeding year.
- 21) The recreation facilities and shop shall be provided and operated solely for the benefit of residents of the leisure park and their guests and shall not be operated between 1 December in any one year and 31 January in the succeeding year.

Planning Policy Context

2. Planning Policy Statement (PPS) 7, Sustainable Development in Rural Areas, advises that protecting landscapes and environmentally sensitive sites is an important consideration in siting static holiday caravan parks and holiday chalet developments; sites should not be prominent in the landscape and any visual intrusion should be minimised by effective, high-quality screening.
3. This guidance is echoed in Policy TO6 of the Borough of Darlington Local Plan which permits such development subject to a number of criteria, including that the site is not prominent in the countryside; does not detract from the landscape, nature conservation interests or residential amenity; is comprehensively planned with adequate tree screening; and that the design, materials and colours of the caravans or chalets merge with their surroundings.

4. Other Local Plan Policies, including those referred to in the reasons for refusal, seek reclamation of derelict and degraded land, including the appeal site (E17); restrict development in the countryside with certain exceptions, including that for countryside-related recreation which does not cause unacceptable harm (E2); generally direct new building away from isolated sites (E4); require development acceptable in the countryside to respect local landscape character (E7); and state that traffic generated must be capable of being accommodated on local roads in a safe and environmentally satisfactory way (T12).

Main Issues

5. The determining issues in the appeal are the effects that the proposal would have on:
 - (i) the character and appearance of the surrounding countryside;
 - (ii) highway safety on Neasham Road; and
 - (iii) the living conditions of nearby residents in terms of possible increased noise and disturbance and loss of privacy.

Reasons

The Countryside

6. Although the countryside around the appeal site is pleasant in character it has no strong features that would in principle be harmed by development of the type proposed and much of the site itself is severely degraded, bearing ample evidence of its one time use as a brickworks. In addition the site is secluded from public view, being upwards of 120m from Neasham Road and with a dense high hedge and line of mature Poplar trees along the intervening boundary. The only aspect of the proposal that would have any appreciable impact on the landscape would be a short section of new road but this would be seen against a background of existing buildings along the east side of the existing access road and in my view would not be unduly prominent.
7. Given the size of the site, the 80 static caravans proposed would leave ample scope for landscaping and open space and only two new service buildings are proposed, together with re-use of an existing building. Development on this scale (and which I note has been significantly reduced from that of an earlier proposal) cannot reasonably be regarded as overly large. The existing planting around the site, and the extensive tree and hedge planting proposed, would effectively screen the caravans from sight from any public viewpoint and the materials and colours of those units and of any other structures could be controlled by condition were the proposal otherwise acceptable. There is no evidence that the site is of any particular nature conservation importance and the additional planting would be likely to significantly enhance biodiversity.
8. Leaving aside impact on residential amenity, which I address as a separate issue, I consider that the appeal proposal would comply with national guidance in PPS7 and with Local Plan Policies TO6, E2, E4 and E7. Reclamation of the site, and the proposed planting and landscaping, would be significant improvements on the existing situation as sought by Policy E17. I conclude on the first main issue that the proposal would not unacceptably harm the character and appearance of the surrounding countryside.

Highway Safety

9. Although the Council contend that the scale of the proposal is such that it would result in a substantial increase in traffic flow on Neasham Road, the Appellants' projections, which are not seriously challenged, do not bear this out. Rather they show very modest amounts of additional traffic at peak times. Even allowing for the fact that Neasham Road is subject only to the national speed limit, and has a number of bends, traffic flows are not such that the additional traffic would be likely to cause unacceptable problems of capacity or safety; and so far as the latter is concerned, although objectors have referred to accidents on the road, no accident records have been produced to suggest that there are particular safety problems. Unlike the situation at the existing access point, visibility at the proposed access is satisfactory in both directions so that drivers leaving the site would be able to see approaching drivers clearly and vice versa.
10. Given the bends along Neasham Road and the absence of a footway, concerns about danger to pedestrians from the site, possibly walking to Hurworth or Neasham for recreation or services, are understandable. The proposed link to local public footpaths would help to some extent, connecting to a field path leading south to Hurworth, but the possibility remains that some pedestrians, unable to use the field paths or unaware of their existence, might be tempted to walk along the road, perhaps at night or times of bad visibility. However, I consider that, given the nature of the development and the fair distance to the two villages, most residents of the site would be likely to travel by car rather than walk and that safety risks are within acceptable limits. I conclude on the second main issue that vehicular and pedestrian traffic generated by the proposal would not unacceptably compromise highway safety and that the requirements of Local Plan Policy T12 would be satisfied.

Neighbours' Living Conditions

11. The only dwellings close enough as to raise the question of possible noise and disturbance from activities within the appeal site are those at The Potteries adjacent to the south-east boundary. However, they stand some 35m from that boundary, behind long front gardens and a hard surfaced area, beyond which and within the site a landscaped mound is proposed. Given this buffer, and the fact that the main potential sources of noise within the site, such as the tennis courts and children's play area, would be well way to the north west, I do not consider that residents would suffer unacceptable levels of noise and disturbance. Any possible loss of privacy from people standing on the mound and overlooking the dwellings could be countered by detailed design of the mound and associated planting, which could be controlled through conditions.
12. Given the limited amount of traffic generated by the proposal, and the proposed realignment of the access road, residents in other properties to the south-east of the site would be unlikely to experience any significant noise and disturbance from the comings and going of caravan occupiers. Nor do I see any reason to suppose that a development on the relatively limited scale proposed would give rise to undue problems of local trespass or disturbance and anti social behaviour in nearby villages as some objectors suggest. I conclude on the third and final main issue that the proposal would not unacceptably harm the living conditions of nearby residents in terms of

increased noise and disturbance and loss of privacy, and thus would comply with the relevant criterion of Local Plan Policy TO6.

Other Matters

13. Both Council officers and objectors have questioned the sustainability of the proposal, particularly given the limited access on foot and the absence of public transport. However, such uses are not infrequently found or proposed in countryside locations that are not inherently sustainable, and with varying degrees of remoteness, and such remoteness can be part of their attraction. In this case I consider that any deficiencies the site may have in terms of being a sustainable location are outweighed by the benefits of reclaiming derelict land and putting it to productive use.
14. On the basis of a site survey report submitted by the Appellants the Council are satisfied that likely ground contamination, including possible migration of methane gas, is not of such severity as to preclude development of a leisure park and that the matter can be addressed satisfactorily by conditions requiring detailed assessment and remediation. I see no reason to disagree. Similarly, although some objectors have expressed concern about drainage, I note that neither the Environment Agency nor Northumbrian Water have objected, subject to appropriate conditions being imposed; and on all the evidence I consider that what is proposed, involving controlled discharge from an existing pond, would not pose any tangible risk of flooding in the surrounding area.
15. Objectors raise a wide range of other matters. As I have found the proposal acceptable on its planning merits, alternative uses to which the site might be put have no direct bearing; nor is there any cogent evidence to suggest that those suggested might be possible. I have seen no reason to suppose that the proposal is anything other than what has been applied for and the nature of the occupiers of the proposed caravans is not a planning consideration. National guidance and local policy on recreational developments do not include any test of need so that the fact that there is an existing caravan site nearby at Newbus Grange is not a reason to refuse planning permission here. Finally, whilst I have taken full account of all the letters of both objection and support so far as they bear on planning considerations, the relative numbers of such letters, and the way in which they might have originated, are not matters which in themselves carry weight. None of these matters, or any others raised, bring me to different conclusions on the main issues or to a different decision on the appeal.

Conditions

16. The Council have suggested conditions to cover a range of matters including access, landscaping, means of enclosure, contamination, details of the caravans, lighting and drainage. I consider all these to be reasonable and necessary to secure a satisfactory development and I shall apply them accordingly, though with detailed amendments for greater clarity and precision, and to accord with advice in Circular 11/95. I shall also apply a condition, as suggested, to preclude year round occupation of the caravans to ensure that policies on development in the countryside are not compromised and that local services do not come under pressure from permanent occupation.

17. I do not accept the suggested conditions which would grant only temporary permission for the site manager's accommodation, and require provision of a minibus for use by residents. If a permanent permission is justified, as I consider is the case here, there is no obvious logic in granting only temporary consent for what would appear to be an integral part of the development. However, given the policy restrictions on housing development in the countryside I consider that it would be prudent to ensure that the manager's unit is reserved solely for that purpose and for so long as the leisure park continues to operate. Whilst provision of a minibus would undoubtedly be a benefit, and is a matter that might be covered through a planning obligation, I am not convinced that it is either necessary to the granting of planning permission, or that a condition could be made sufficiently precise and enforceable in terms of the tests in Circular 11/95. Finally, it is unnecessary to apply a condition, as suggested, requiring compliance with the terms of the planning permission as this is implicit in that permission (which I have cross-referred to the relevant submitted plans) and the Council could take enforcement action against any significant departure from it.
18. Contrary to what some objectors suggest, I have seen nothing to suggest that the conditions I shall impose, which are straightforward and usual for development of this nature and scale, would be beyond the resources or ability of the Council to enforce should that be necessary.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Robin Brooks

INSPECTOR