



---

## Appeal Decision

Site visit made on 30 January 2018

**by JP Tudor BA (Hons), Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 March 2018**

---

### **Appeal Ref: APP/W1850/W/17/3185946**

### **Tom's Patch, Stanford Bishop, Bringsty, Worcester WR6 5UB**

- 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 and Mrs S Powell-Bateson against the decision of Herefordshire Council.
  - The application Ref 162809, dated 5 September 2016, was refused by notice dated 2 August 2017.
  - The development proposed is a holiday park for 40 holiday caravans, associated infrastructure and managerial lodge.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matter**

2. Although the Council Officer's Committee Report recommended approval of the proposal subject to conditions, the Council's Planning and Regulatory Committee ultimately decided that planning permission should be refused. Where relevant the Council Officer's Committee Report is referred to in the course of my decision.

### **Main Issues**

3. The main issues are the effect of the proposed development on:
  - the character and appearance of the area, with particular regard to the rural landscape; and,
  - highway safety along Woodend Lane (C1136) and at its junction with the B4220.

### **Reasons**

#### *Character and appearance*

4. The appeal site comprises a roughly square parcel of land with an access off Woodend Lane (C1136). The main field is enclosed by hedges with a further tranche of land within the site to the north and mature woodland beyond. The land rises gently from the east to the south-west. Agricultural fields lie to the south and west but the site immediately adjoins a large existing caravan park in separate ownership, Malvern View (MV), to the east. The nature of the surrounding landscape is agricultural with a mix of arable and pastoral fields, woodlands, scattered farms, hamlets and isolated dwellings. Whilst the site is

- relatively level, the topography of the surrounding area is more varied with an undulating landscape and hills, including the Suckley Hills and Malvern Hills some distance to the east.
5. It is proposed to create a holiday park for 40 static caravans with a manager's lodge and reception, a maintenance shed and a new vehicular access. There would be a recreation area within the paddock land to the north. Existing hedgerows would be retained and supplemented by additional planting, including native trees and shrubs.
  6. The relevant landscape is not nationally designated and the Malvern Hills Area of Outstanding Natural Beauty (AONB) is some 2.6km to the east. However, the landscape is identified within the Council's Landscape Character Assessment Supplementary Planning Guidance 2004<sup>1</sup> (LCA) as within the Timbered Plateau Farmlands Landscape Character Type (LCT). The key characteristics of this LCT include: field boundary hedgerows thrown into visual prominence by the landform; wooded valleys and dingles; ancient wooded character; mixed farming land use; linear pattern of woodland; organic enclosure pattern and medium-open views. Given that the site ranges from around 139-145 Above Ordnance Datum (AOD), it does, with adjacent fields, form a small plateau with relatively open views from the south and south west.
  7. The appellant's Landscape & Visual Appraisal (LVA)<sup>2</sup> accepts that the site does reflect some of the characteristic of the Timbered Plateau Farmlands LCT but says that: *'it is also influenced by characteristics at a more intimate scale.'*<sup>3</sup> The LVA points, in particular, to the holiday park at MV, which adjoins the eastern boundary of the appeal site. Although there is some dispute between the main parties about the extent of the visibility of the existing caravan site, mainly in relation to the contours of the land, the Council states that: *'Where development has been permitted on higher ground the visual effects are clearly evident'*.
  8. Similarly, the appellant's LVA considers that the static caravans at MV dominate some views. The subsequent Landscape and Visual Statement of Evidence (LVSE)<sup>4</sup> provided by the appellant, albeit in disputing aspects of the Council's case, says that a photograph from Viewpoint 5 in the LVA *'clearly shows the extent of Malvern View above the hedge line.'*<sup>5</sup> From what I saw on my site visit, substantive parts of the existing caravan site at MV are prominent in the landscape in views from public vantage points along the local road network to the south and south west. That includes from parts of Woodend Lane, Hope House Lane and at the junction with the B4220.
  9. The LVA and the LVSE posit that the visual envelope is limited and that the proximity of MV diminishes the rural setting of the appeal site and sets a local precedent for this type of development. Even though the LVA submits that the appeal site has a reduced susceptibility to change because of the presence of an existing caravan park, it still considered the site to be of medium susceptibility overall. Views of the sight are significant and it is likely that it would also feature in more distant views from higher ground. In any event whilst the LVA is prepared within a framework of a stated objective

---

<sup>1</sup> Updated 2009

<sup>2</sup> Lockhart Garratt – Ref: 16-3183, Version: 2, Date: 6 March 2016

<sup>3</sup> Paragraph 4.2.1

<sup>4</sup> Lock Hart Garratt – Ref: 17/2149, Version: 3, Date: 24/01/2018

<sup>5</sup> Paragraph 5.12

methodology, such assessments ultimately involve a level of subjective judgement.

10. MV already covers a sizeable area and, according to the appellant's LVSE, comprises approximately 274 static units, 14 touring caravans and 35 holiday lodges. Whilst the LVA emphasises the relationship of the appeal site with MV, it also describes that existing leisure park as a 'unique' component of the wider landscape, which it characterises as divided fairly evenly into arable and pastoral land of varying size and regularity. Although Woodend Lane runs to the west, with the access to MV to the immediate south, and the site is bounded by hedgerow, those elements do not dissociate it from the wider rural landscape or establish an exclusive relationship with MV. Rather, being a pastoral field bounded by hedgerow, the appeal site has more commonality with the characteristics of the surrounding countryside. It also performs an important function in containing the development at MV and creating a visual buffer between it and the public highway to the west, with fields beyond. Therefore, I disagree that the appeal site's proximity to MV legitimises more development of the same type obtruding further into the open countryside.
11. Moreover, the appeal site is on rising ground, which is likely to increase the prominence of the proposed 40 caravans. The Council estimates that the overall effective height of the each caravan, taking account of its base, would be about 4 metres, which has not been disputed. It is accepted that views from the north would be largely obscured by the wooded railway cutting. However, even allowing for the relaxed management of the southern and western hedges, which the appellant advises have grown to up to 2.5 metres tall, the upper parts of the caravans would still be visible in southerly views.
12. Further planting is proposed, with phased development and the caravans would be finished in muted colours, all of which could be secured by condition. However, the additional planting, including oak trees within the external hedge, would be likely to take some time to establish. Such screening would also be less effective during the winter months. Notwithstanding the suggested mitigation and the wooded backdrop, the proposed development would be read as an expansion of the already sizeable and prominent caravan park at MV. Adding 40 caravans over 2.9 hectares (7.1 acres) across a pastoral field, albeit informally arranged, would increase the visual intrusion into a predominantly rural landscape setting, particularly in near and mid distance views from the south and southwest.
13. Given that the site would be a holiday location, it is unlikely that holiday makers would wish to be completely enclosed by substantial screening, which could be oppressive if it prevented all outward views towards the pleasant surrounding landscape. Therefore, it is a likely that the height of vegetation would be controlled to some extent leading to inter-visibility. The LVA, referring to its 'Viewpoint 4' photograph taken from the junction of the B4220 and Hope House Lane, comments: '*The adjacent holiday park is conspicuous to the right of the field of view, and is a good measure of the likely visual interaction to be expected from the proposed development.*'<sup>6</sup> That aspect of the LVA is in accord with my own observations. They lead me to conclude that the proposed development would, despite intervening hedgerows, and additional planting appear prominent viewed from public vantage points.

---

<sup>6</sup> Paragraph 5.4.1

14. The LVA suggests that views are more limited from surrounding public footpaths, but Hope House Lane provides a connection from the Herefordshire House public house to the Three Choirs Way long distance walking route. Therefore, walkers and holiday makers may join it via Hope House Lane perhaps having taken refreshment at the public house. The rural road network, often characterised by quiet country lanes, frequently provides important connections for walkers to the public rights of way network. Indeed sections of the B4224 and Hope House Lane form part of the Three Choirs Way route. Although those particular sections do not offer good views of the appeal site, they do show that the public rights of way network should not be considered as discrete from surrounding connections to it.
15. Whilst the relevant country lanes lack formal footways that is mitigated by relatively low levels of traffic. Indeed, some local residents have referred to use of Woodend Lane by walkers, cyclists and horse riders. Therefore, views of the appeal site would not be merely confined to glimpses from fast moving motor vehicles. It seems to me that the expansion of holiday park development would adversely affect the panoramic visual landscape, as experienced by various users of the surrounding rural road network.
16. The Council's Landscape Officer originally expressed significant concerns about the effects of the proposal on the landscape and advised that a formal landscape appraisal should be produced by the appellant. The LVA places much weight on the proposed mitigation in the form of screening. In revised comments<sup>7</sup>, following the submission of the LVA, the Council's Landscape Officer is ultimately persuaded that the mitigation proposed will, whilst taking a number of years to establish, be effective. However, the Landscape Officer acknowledges that the proposal will extend development westwards onto the higher contours of the open countryside, therefore increasing its influence over the local landscape and bringing it to the forefront of the view. I agree with that part of the assessment.
17. Mitigation secured by condition can, in some circumstances, make otherwise unacceptable development acceptable. The proposal suggests substantial belts of landscaping, in the form of 5-10 metre deep buffer zones and trees, including standard tree specimens, with a minimum height of 300cm to 350cm, to supplement the existing hedgerow. However, the extent and scale of the mitigation considered necessary to ameliorate the fundamentally adverse effect on the landscape is also indicative of the basic harm that a caravan park at this location would have.
18. Moreover, the proposed mitigation would enclose the field with substantial screening vegetation which would itself compromise the characteristic openness of the plateau landscape. It would also take some time to fully establish. In any event, given the height of the caravans, it is likely that the development would still appear prominent in the visual landscape as the effectiveness of the screening would vary with the seasons.
19. Whilst the landscape is not nationally designated, and any views from the AONB would be distant, the value of the LCT is identified in the LCA. The National Planning Policy Framework (the Framework)<sup>8</sup>, an important material consideration in all planning decisions, also recognises the importance of the

---

<sup>7</sup> Memorandum 18 May 2017

<sup>8</sup> March 2012

intrinsic character and beauty of the countryside.<sup>9</sup> The cumulative effect of the proposal, in the context of the existing caravan park at MV, would damage the rural landscape by expanding development into it. A number of local residents have expressed similar concerns about the incursion into the countryside. The quality of the landscape is also a factor in attracting tourists to the Herefordshire countryside so it is important that it is protected from detrimental development.

20. The above factors lead me to conclude that the proposal would harm the character and appearance of the area, with particular regard to the rural landscape. Therefore, it would be contrary to Policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS)<sup>10</sup> which, amongst other things, seeks to conserve and enhance the natural and scenic beauty of important landscapes and ensure that development integrates appropriately into its surroundings. It would also conflict with similar policy protecting the countryside in the Framework.
21. Policy E4 of the CS promotes the development of sustainable tourism opportunities but that is provided that there is no detrimental impact on natural assets or on the overall character and quality of the environment. Therefore, given my findings above, the proposal would also conflict with that policy.

#### *Highway safety*

22. Concern has been expressed by the Council about an increase in traffic movements and its effect on the junction of Woodend Lane (C1136), Hope House Lane and the B4220. It is particularly concerned about visibility for drivers turning right from the C1136 towards Bromyard on the B4220. A supplementary concern was the acuteness of the turn towards the site, when approaching from the Bromyard. A local resident has also articulated broad concerns regarding the safety of the junction.
23. The junction is at a bend on the B4220, which has a 60mph speed limit. Nevertheless, as I saw on my site visit the junction is wide and visibility south is reasonable. Although vehicles approaching from the north-west on the B4220 emerge from a dip in the road and become visible closer to the junction, that point is still a reasonable distance away. There is also signage on the road side and surface in both directions on the B4220 advising drivers to 'slow' and giving notice of the coming bend. Part of the proposal includes re-lining the white lines at the junction to facilitate its safe use, which could be conditioned.
24. The section of Woodend Lane leading from the new access to the junction, although narrow in parts, is a straight road and an additional passing bay is proposed, which could be secured by condition. That road has also been used for some years by holidaymakers staying at MV, apparently without incident.
25. Given that the Council accepts that no personal injury accidents were recorded over a 5 year period from 2010-2014 and the latest data indicates that there is no record of accidents between 2001 and 2017,<sup>11</sup> concerns about the safety of the junction are not evidenced. There would be additional vehicular movements generated by the development but the traffic count indicates that the increase would be relatively modest. The Council's Transportation Manager

---

<sup>9</sup> Paragraph 17

<sup>10</sup> Adopted October 2015

<sup>11</sup> Paragraph 1.7 SoC Rebuttal – Transport Input – PTB (data obtained from Crashmap web site)

was satisfied by that evidence and the original Council Officer's Committee Report concluded that the proposal was acceptable in terms of highway safety and capacity. I agree that the modest increase in traffic would be unlikely to materially change the existing situation or jeopardise highway safety.

26. Moreover, it is significant that the site would be for static caravans. Therefore, tourists associated with the site would not be negotiating the junction trailing caravans. A local resident has referred to the regularity of road traffic accidents on the B4220 in the proximity of the junction, but the data does not appear to indicate that there have been accidents at the junction itself and no evidence of other frequent accidents has been provided. It has been suggested that holidaymakers unfamiliar with the three-way junction layout would be particularly vulnerable. However, given that the junction has been used for some time by tourists staying at MV, that concern does not appear to be borne out by the relevant accident data.
27. An accident in the vicinity in December 2017 is referred to but no precise location has been provided by the objector. The appellant has indicated that it was some 600 metres north of the junction and involved a car travelling towards Bromyard leaving the carriageway and colliding with a tree and a barrier. Therefore, regrettable though that incident was, it does not appear to be directly related to the junction at issue.
28. Overall therefore, I conclude that the proposed development would not harm highway safety along Woodend Lane (C1136) or at its junction with the B4220. Therefore, the proposal would comply with Policy MT1 of the CS as it has demonstrated that the local highway network can absorb the relatively modest traffic impacts without adversely affect the safe and efficient flow of traffic on the network. It would also be in accordance with paragraph 32 of the Framework, as a safe and suitable access to the site would be provided and there would not be any severe cumulative impact on the transport network as a result of the proposal.

### **Other Matters**

29. There are three nearby grade II listed buildings being Silkcroft, Woodsend and Boyce Farmhouse. Silkcroft is an attractive two-storey, gable ended, black and white dwelling and dates from the 17<sup>th</sup> century, according to its listing. It is located about 200 metres to the south west of Tom's Patch. However, it is separated from the appeal site by Woodend Lane and an expanse of field which surrounds it and forms its immediate setting. Although the proposal would in effect, bring caravan development closer, it would not impinge on that setting to any great degree. Moreover, views towards the listed building from the east are already largely obscured by substantial modern agricultural barns and associated buildings which occupy the foreground. As I saw on my site visit, views from the house towards the appeal site would also be substantively curtailed by those same agricultural structures. Therefore, given those circumstances, the proposal would not harm Silkcroft or its setting.
30. Woodsend is some 200 metres to the north. However, it is separated from the appeal site by the heavily wooded railway cutting. There are no clear views towards that property from or incorporating the appeal site and the proposal would not have any material effect on the listed building or its setting. Boyce Farmhouse is at the eastern end of MV and its setting already consists of the adjoining holiday caravans, hardstandings and other ancillary buildings. Given

its current setting and distance from the appeal site it would not be adversely affected. A local resident has also referred to Clater Park House and Gardens, which is another grade II listed building, to the north. However, it is much further away from the appeal site than the other listed buildings. Whilst it may be seen in the same field of view as Tom's Patch in from some distant vantage points on more elevated ground, there is a sufficient intervening expanse of open countryside to negate any adverse effect on its setting. Overall therefore, I am satisfied there would be no harm to listed buildings or their settings in the vicinity.

31. Additional matters have been referred to by local residents objecting to the development including light pollution, effects on wildlife and noise. Some Appeal decisions have also been referred to an objector. As I have dismissed the appeal on other substantive grounds for the reasons given, there is no requirement for me to reach a definitive conclusion on those aspects.

### **Planning Balance and Conclusion**

32. It is recognised that there would be economic benefits associated with the proposal. There would be employment opportunities during the construction phase and a contribution to the local economy from the purchase of materials and use of local trades and services. The appellant indicates that two full-time and two part-time employees would be required to operate the holiday park. Expenditure of holiday makers staying at the park in shops, pubs, restaurants and on visitor attractions and activities would also be of benefit. Although some of that spend would be within the site, it is reasonable to suppose that much would be external and support businesses in the surrounding area. I note the various reports and studies, referred to by the appellant, confirming the significant contribution of the holiday park industry and tourism more generally to the UK economy. The support of the Local Chamber of Commerce is also recognised. Those factors weigh in favour of the proposal.
33. Policy E4 of the CS also offers positive support to the development of sustainable tourism opportunities, which is in accord with paragraph 28 of the Framework. However, Policy E4 also seeks to safeguard the county's natural assets and the character and quality of the environment. Similarly, paragraph 28 of the Framework refers to respect for the character of the countryside and says that the provision and expansion of tourist and visitor facilities should be in appropriate locations.
34. I have not found harm in terms of highway safety. It is accepted that any development is likely to have some effect in the context of a rural landscape. However, the cumulative impact of the proposal in extending caravan development westward across panoramic rural views, would cause significant harm to the character and appearance of the rural landscape. In this particular case, on balance, the adverse visual impact on the countryside outweighs the economic and tourism benefits of the proposal, which does not, therefore, amount to sustainable development.
35. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*JP Tudor*

INSPECTOR