



Appeal Decision

Site visit made on 26 July 2018

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2018

Appeal Ref: APP/N2535/W/18/3200598 Kingsmead Park, Swinhope, Market Rasen LN8 6HS

- 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 Turners Britannia Parks Limited against the decision of West Lindsey District Council.
 - The application Ref 135610, dated 6 April 2017, was refused by notice dated 20 October 2017.
 - The development proposed is change of use of land to site 35 holiday lodge caravans and one site office/reception caravan.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The original site notice did not mention that the appeal scheme affected the setting of a number of listed buildings and scheduled ancient monuments as required by the Planning (Listed Buildings and Conservation Area) Regulations 1990. A further site notice was therefore posted inviting any comments. While such comments should have been limited to the setting of the heritage assets, the time limit for general comments having passed, a single response was received dealing with a number of potential issues. I have had regard to that response only insofar as it contained comments on issues related to the setting of the relevant assets.
3. A site layout was provided with the application. As the application is for a change of use the site layout is largely indicative insofar as it concerns the lodge caravans, but it does address site access and landscaping. I have therefore considered the relevant plans to be indicative of the final form of the proposal and have determined this appeal accordingly.
4. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Local development plan policies that pre-date the publication should be given due weight according to the degree of consistency with the Framework. Where Policies are consistent, I am satisfied that neither party would be prejudiced by my determining this decision in accordance with those Policies without seeking further comments.

Main Issues

5. The main issues are:

- a) Whether the proposal would conserve and enhance the landscape and scenic beauty of the Lincolnshire Wolds Area of Outstanding Natural Beauty and preserve the setting of nearby designated heritage assets; and
- b) whether the proposal would result in undue reliance on private motor transport.

Reasons

6. The appeal site comprises an open field given over to grassland located in a prominent position on a hillside in the valley of the Waithe Beck. The topography of the valley shields the site from view in some directions but it is clearly visible for some distance from the north east round to south east, especially as the land climbs out of the valley in those directions. The surrounding area predominantly comprises fields in agricultural use though the site is bordered to the north by Kingsmead Park (a large caravan park) and the village of Brookenby to the south. A further village, Binbrook, lies due south of the site.
7. Brookenby is the site of housing for the former Air Force base at RAF Binbrook. Access to the village, the appeal site and Kingsmead Park is off Swinhope Road. Brookenby is effectively divided into two clusters with the larger southern part fronting along Swinhope Road. Roughly in the middle of the village, between the entrances to Kent Road and to York Road the developed footprint moves away from Swinhope Road and there is a wide area of open land. North of York Road the village again fronts Swinhope Road terminating in the area immediately adjacent to the appeal site.
8. The proposal is for the change of use of the appeal site to provide an additional caravan park for up to 35 static 'holiday lodge' caravans and a site office. There is dense, mature vegetation surrounding the site with a proposal to reinforce boundaries with additional planting. However, hedges along the south-eastern boundary, which is the most sensitive to visual impact, would be removed for some distance either side of the site entrance to provide for access and visibility splays.

Area of Outstanding Natural Beauty

9. The appeal site is located in the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and comprises approximately 3.5 hectares. For the purposes of paragraph 172 of the Framework the proposal would constitute major development. Paragraph 172 advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
10. The proposal would cause the existing site at Kingsmead Park to coalesce with the village of Brookenby resulting in an almost unbroken line of development along a kilometre or so stretch of Swinhope Road. A large proportion of that unbroken line would be static caravans and lodges whose appearance would sit uncomfortably in the scenic beauty of the AONB. This would have an unacceptable negative impact on the scenic character of the area. The proposal would also result in the loss of the current field open to grassland which is a feature of the landscape.
11. Reinforcement planting would eventually provide some shielding for the site when viewed at ground level, though I note that the existing development at

Kingsmead Park is clearly visible from the road despite boundary hedges. However, hedging would have little impact on the more important long-distance views into the site and the proposed development would be clearly visible from across the valley. The scheme would result in an intrusion into the landscape that would cause unacceptable harm to the landscape and scenic beauty of the AONB.

Setting of Heritage Assets

12. There are a number of listed buildings on Swinhope Lane, off Swinhope Road in the vicinity of the appeal site, and I am mindful of my statutory duty, arising under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving them or their settings when considering the grant of planning permission. In addition, there are a number of Scheduled Ancient Monuments (SAMs) in the locality and in accordance with paragraph 192 of the Framework I take into account the desirability of sustaining and enhancing their significance as designated heritage assets including, in accordance with paragraph 190, their setting. Further to paragraph 193 I attach great weight to the conservation of heritage assets.

Listed Buildings

13. Swinhope House is a Grade II* Listed Building on Swinhope Lane dating from the late 18th century. It is a small country house rich in period details and set amidst a small park surrounded by agricultural land. A short distance away along Swinhope Lane is a further small park surrounding The Old Rectory, which is an early 19th century example of church ministry housing. Nearby stands the 13th to 14th century Church of St. Helen, which was largely rebuilt in the mid-eighteenth century though it retains features from the earlier periods. Both The Old Rectory and the church are Grade II Listed Buildings.
14. Swinhope House and The Old Rectory are contemporary with the rebuilding of the church and with the final stages of land enclosure in the Lincolnshire Wolds. As such the heritage assets and the surrounding land paint a picture of an important historical period and the agricultural fields are an important element in the setting of the Listed Buildings, contributing notably to their significance. The topography of the Lincolnshire Wolds means that only a limited area of the appeal site is inter-visible with the Listed Buildings but this topography itself is part of the setting and which therefore extends beyond the immediate vicinity. The scope of the setting will diminish over distance, which because of winding roads and hills will need to be measured other than purely in a straight line.
15. The appeal site is some distance by road from the listed buildings although there is only one significant hill between the respective locations. The proposal would increase the developed footprint fronting Swinhope Road, which is part of the setting and would result in the loss of an open field. While the distance between the locations lessens the effect overall, the scheme would nevertheless have a moderate negative impact on the setting of the Listed Buildings causing less than substantial harm.

Scheduled Ancient Monuments

16. Two Neolithic long barrows are located on Hoe Hill across the valley from the appeal site and occupy a prominent position above Waithe Beck but below the summit of the hill. The barrows are in a rough line with one slightly higher on

the hillside than the other. The upper barrow, also known as Cromwell's Grave lies 300 metres or so from the B1203, which is the nearest road. The lower barrow is approximately 430 metres from the road. The barrows are isolated from any development in the middle of an agricultural field and from this location there is an uninterrupted line of sight towards the appeal site. The barrows are important historical sites and, standing apart in an uncluttered landscape, provide a clear connection with the distant past.

17. Parts of Brookenby and Kingsmead Park are visible from the location of the barrows and the undeveloped field at the appeal site provides a break in the built form along the opposite hillside that helps to preserve the setting of these assets. The proposal would result in a cluttered vista from the barrows that would erode their sense of isolation and so be detrimental to the existing setting resulting in less than substantial harm.
18. A third Neolithic barrow, also known as Ash Hill Long Barrow, lies north of the site and is accessed by a track north of Kingsmead Park. The setting of this barrow is largely informed by the neighbouring farm and industrial buildings and the development on Kingsmead Park which lies between the appeal site and the heritage asset. The proposed development would have little further impact on the setting of this barrow and the effect would not be harmful.
19. The site of a Neolithic hillfort lies south of the barrows on Swinhope Hill and this is similarly isolated amidst agricultural fields. However, the setting of this site is to a large extent informed by the proximity of the village of Binbrook and the view across the valley towards the larger, southern part of Brookenby. The western slope of Hoe Hill also restricts the view of the appeal site and therefore the proposal would have a limited effect on the setting and is not likely to cause harm.
20. Two further SAMs, the site of a medieval nunnery and a deserted medieval village, lie to the southwest of the site but these are on the far side of Brookenby, which has greater impact on their setting. The distance and intervening built-form of Brookenby mean that the proposal would be likely to have a negligible effect on the setting of these heritage assets and would not result in any harm.

Other Considerations

21. Paragraph 172 of the Framework advises that the scale and extent of development in an AONB should be limited and planning permission for major development should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
22. In each case where the proposed development would cause less than substantial harm to the setting of a listed building or a SAM I must weigh the harm against the public benefit of the proposed development. I attach considerable importance and weight to the desirability of preserving the setting of these heritage assets. I also take into account the impact of the proposed development on a number of heritage assets which, while not cumulative, nevertheless adds significant further weight to the desirability of preserving the settings in question.
23. The development at the appeal site would provide tourist accommodation for visitors to the AONB. However, its contribution to the local economy would be limited. There are very few services and amenities in Brookenby and Binbrook

that would be supported by the development and while each village has a single store, and Binbrook has a pub and a petrol station other amenities would require significant travel. Services in Binbrook are approximately 2.5 km away by road. While the area surrounding the appeal site would provide an attractive place for walking and cycling, those pastimes do not generally generate significant spending. Access to services in the nearest town at Market Rasen or to other tourist sites would not depend on the location of the appeal site and such services and facilities could be visited from any number of bases in the district.

24. The proposal would create one full-time and two part-time posts on the appeal site itself but these would be very modest benefits. The appellant has provided figures to suggest tourist spending would create further employment opportunities but these rely on an assumption of spending at local facilities and are based on the average spending of tourists across the country, which presumably includes people visiting large cities. Spending in the vicinity of the appeal site is more likely to be at the lower end of the scale. The presumptions about levels, frequency and duration of occupancy of a future development on the appeal site are not supported by any compelling evidence. Accordingly, I attach little weight to the very modest economic benefits likely to arise from the proposed development.
25. An ecological survey concluded that there are no protected plant or animal species on the appeal site and limited opportunities for such species to become established. The additional planting proposed on the site boundary would provide a potential habitat for plants, insects, birds and small mammals, increasing biodiversity in the area. However, an absence of such biodiversity in the surrounding area would be likely to result in limited scope for future growth as the local ecology appears to be relatively settled.
26. Accordingly I find it has not been shown that there are exceptional circumstances around the scheme or that the development is in the public interest. As such, the harm it would cause to the AONB means it would not accord with Policies LP7, LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2017 (the Local Plan), which together seek to ensure that developments protect or enhance the character and appearance of an area and do not result in the coalescence of settlements.
27. Moreover, the scheme's public benefits do not outweigh the harm to the settings of the various designated assets identified, and so the proposed development would not accord with Policies LP17 and LP25 of the Local Plan, which together seek to ensure that developments preserve or better reveal monuments and historic buildings.

Access to services

28. Given the rural location of the appeal site it is understandable that future occupiers would be more likely to travel to access services than, say, the occupiers of an urban development. The appellant states that the site is close to a bus stop, which presumably refers to the stop adjacent to the entrance to Kingsmead Park. The entrance to Kingsmead Park is 100 metres or so from the proposed site entrance which is an easily walkable distance. However, the journey would be along an unlit stretch of road subject to the national speed limit which is not served by any footpath. There is a narrow grass verge running between the carriageway and a hedge fronting Kingsmead Park but

there are a number of road signs on this verge so any pedestrian would have to step into the carriageway to pass them. The verge would also provide an unacceptable path during or following wet weather when it is likely to be slippery with mud.

29. Public transport from the adjacent site appears to be extremely limited with the appellant describing only two services of limited frequency to Market Rasen and on to Grimsby. The limited availability of public transport is likely to make it an unattractive option, especially for short-term visitors who would be more likely to rely on private motor vehicles even for relatively short journeys. Moreover, the use of these facilities by those who did not have use of private motorised transport would be significantly restricted.
30. There is an additional unscheduled service with no fixed route that can be booked following registration with the service provider. However, there is no guarantee that a services would be available when required and holiday-makers would likely be unaware of the service and unlikely to register to use such a services when staying for a short period.
31. Therefore, the proposed development would not accord with Policy LP13 of the Local Plan which seeks to ensure that developments are located where travel will be minimised and sustainable transport modes maximised, including safe and convenient public transport.

Other Matters

32. The application proposes a separate foul water drainage system for the development discharging into the public system maintained by Anglian Water. Anglian Water has confirmed that the arrangements would be acceptable subject to satisfactory completion of works and I therefore attach little weight the third party objections in this regard.
33. Vehicles and pedestrians entering or leaving the site by way of Swinhope Road would have a good view of any oncoming traffic as the road runs in a relatively straight line at that point and the proposal provides for wide visibility splays. Although the road is subject to the national speed limit, traffic survey data indicated that traffic flows were light and that speeds were relatively low, presumably as traffic would have to slow down to take, or come out of a sharp bend in the road 120metres or so north of the site entrance. Therefore, the proposal would not present any unacceptable risk to highway safety. I note that the highways authority does not object to the scheme.
34. The concern about noise and disturbance was from a suggestion that future occupants would arrive and remain on site rather than undertake excursions, and that as a result they would create noise and anti-social behaviour. While I accept that there is limited scope for day excursions in the immediate vicinity, no compelling evidence has been provided to show that future occupants would be likely to engage in anti-social behaviour or cause disruption to occupiers of units at Kingsmead Park. I therefore attach little weight to this objection.

Conclusion

35. There are some very modest benefits identified above that would arise from the proposal but these are insufficient to provide the exceptional circumstances required to justify major development in, or to overcome the great weight I attach to preserving the scenic and landscape beauty of the AONB. The public

benefits of the scheme do not outweigh the harm to the setting of the listed buildings and SAMs identified above. Accordingly, for the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR