



Appeal Decision

Site visit made on 8 May 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/Z2505/W/18/3211660

Old Leake Caravan Park, Shaw Lane, Old Leake, Boston PE22 9LQ

- 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 M and A White against Boston Borough Council.
 - The application Ref B/18/0136 is dated 03 April 2018.
 - The application sought planning permission to remove condition 3 of B16/0606/86 at The White Cat Camping and Caravan Park, Shaws Lane, Old Leake, Boston, Lincolnshire PE22 9LQ without complying with a condition attached to planning permission Ref B/15/0017, dated 20 April 2015.
 - The condition in dispute is No 2 which states that: No person shall occupy the caravans or tents for more than two months in any three month period and the caravans and tents shall be used for holiday accommodation only and for no other purpose. No caravan or tent shall form the main residence of any individual.
 - The reason given for the condition is: The site is in the open countryside in an area where permanent residential accommodation would be contrary to national and local policy. Occupation restricted to holiday accommodation is in accordance with the objectives of Local Plan Policies G1, R12 and C01.
-

Decision

1. The appeal is allowed and planning permission is granted to remove condition 3 of B16/0606/86 at The White Cat Camping and Caravan Park, Shaws Lane, Old Leake, Boston, Lincolnshire PE22 9LQ without complying with a condition attached to planning permission Ref B/15/0017, dated 20 April 2015 at Old Leake Caravan Park, Shaw Lane, Old Leake, Boston PE22 9LQ in accordance with the application Ref B/18/0136 dated 03 April 2018, without compliance with condition number 2 previously imposed on planning permission Ref B/15/0017 dated 20 April 2015 and subject to the attached Schedule of Conditions.

Application for costs

2. An application for costs was made by M and A White against Boston Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. I note that the South East Lincolnshire Local Plan 2011-2036 Adopted March 2019 (LP) has been adopted since the Council's decision notice was issued. I have therefore made my determination having regard to the LP rather than the former development plan policy cited in the Council's reason for

refusal of planning permission. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.

4. I note a revised Caravan Numbers and bed spaces drawing (Ref: OL1 dated 10/08/18). The main parties have confirmed that this drawing was part of the material considered by the Council in the determination of the planning application and I have therefore assessed the appeal on this basis.
5. From the evidence before me, the proposal relates to an area within the green line outlined on drawing OL1 dated 10/08/18 within which the caravans relevant to this appeal are sited. This green line occupies part of the area indicated by the red line on the location plan which benefits from planning permission for up to 60 caravans and tent pitches. I have therefore determined the appeal on this basis.
6. While the previous applications have related to The White Cat Camping and Caravan Park rather than Old Leake Caravan Park, from the evidence before me I am satisfied that the proposal relates to the same site.

Main Issues

7. While the decision notice states one reason for refusal, from the evidence before me, the main issues are:
 - the effect of the proposed development on the character and appearance of the area and
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Character and appearance

8. The site is currently a leisure and tourist caravan and camping site and consists of a grassed area with caravans sited along the perimeter. There is a dwelling to one side of the site and an outbuilding which act to service the site. The appeal site is surrounded by open countryside.
9. The appeal proposal seeks permission to enable a maximum of 25 caravans to be occupied by agricultural workers with a maximum continuous length of stay of any individual worker being limited to 10 months and would be for a temporary period of up to three years.
10. The principle of development, the need for the development, flood risk, viability of tourism, and highway matters are not areas of dispute between the main parties. The 25 caravans for which approval is sought for agricultural workers accommodation are existing on the site and are being used for tourist accommodation. I have therefore focussed my assessment on the effect of the change of use of the caravans from tourism purposes to accommodation for agricultural workers on the character and appearance of the area.
11. While the type of vehicular traffic associated with agricultural workers may be more likely to be vans, mini-buses or similar used to transport workers, these vehicles would be unlikely to have a substantial effect on the character and appearance of the area compared with family-type cars, trailers and caravans

associated with holiday-makers as these are also likely to be fairly large vehicles.

12. I acknowledge that the activities of agricultural workers may be different to holiday-makers in terms of the timing of occupation around employment hours, as well as the length of overall stay being longer and that the working hours, shift patterns, early pick ups and late drop offs may result in the coming and going of vehicles to the site being different to that of holiday makers. However, there is little evidence before me to suggest that the frequency of trips to and from the site would be greater to such an extent that the character and appearance of the countryside would be adversely affected compared with the use for tourism.
13. While it may be the case that holiday-makers seek peace and tranquillity, they may include families and people staying for up to three months who may be likely to require similar domestic paraphernalia to seasonal workers staying for up to ten months. I acknowledge a local concern regarding litter, however there is little evidence before me to demonstrate that the levels of litter caused by agricultural workers would be substantially different than that caused by holiday makers. Given that agricultural workers would be likely to spend substantial portions of the day away from the appeal site during employment hours, there is little evidence before me to indicate that the activities of agricultural workers while on the site would be substantially different to holiday-makers such that the character and appearance of the area would be adversely affected.
14. Consequently, the proposed development would not harm character and appearance of the area and would not conflict with LP Policy 2 which seeks, amongst other things, development that does not have a detrimental effect on the character and appearance of the area. It would also not conflict with the National Planning Policy Framework (Framework) in this regard.

Living conditions

15. While the Council has stated that the nature, type and level of activity associated with the occupation of the caravans by agricultural workers would be in conflict with the aspirations of the holiday-makers who may desire peace and tranquillity during their holiday, no further analysis has been provided to substantiate this statement.
16. There is no evidence before me to demonstrate that the activities of agricultural workers would cause undue noise and disturbance to other occupiers of the site or to neighbouring occupiers. Given that agricultural workers are likely to spend substantial amounts of time away from the site for employment purposes, it would be unlikely that their activities while on the site result in substantially higher levels of noise and disturbance compared with holiday makers.
17. Therefore, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to noise and disturbance and would not conflict with LP Policy 2 which seeks development that does not have an adverse impact in terms of noise and disturbance among other things.

Other Matters

18. I note local concerns including vehicular access and parking and the services and facilities of Old Leake. However, the Council has not objected on this basis and from the evidence before me I see no reason to disagree.
19. I note the evidence regarding the fall-back position, however this has not altered my overall decision.
20. None of the other matters raised outweigh or alter my conclusions on the main issues.

Conditions

21. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in paragraph 55 of the National Planning Policy Framework and the guidance contained in the Planning Practice Guidance. I have amended some of the wording of the conditions in the interests of precision and clarity.
22. I have included conditions requiring that the development is carried out in accordance with the approved plans and setting out the approved use of the area outside the green line but within the red line indicated on the plan, as well as the approved use within the green line. This is in the interest of certainty.
23. I have not attached the condition restricting use to the appellants as it would not be reasonable or necessary and the Council has not provided sufficient justification for the imposition of the condition.
24. Conditions relating to the period and use of the caravans for the accommodation of agricultural workers and setting out the use after the period of temporary consent is necessary in the interests of certainty. I have omitted the reference to the Borough of Boston as it would be unreasonable to restrict the employment of workers to the district only.
25. A condition requiring a register of names and home addresses of occupiers is necessary to safeguard the living conditions of future occupiers. In order to safeguard the character and appearance of the area a condition requiring details of refuse storage and collection arrangements is necessary.
26. A condition relating to flooding is necessary to reduce the risk and impact of flooding since the site lies within Flood Risk Zone 3.

Conclusion

27. For the reasons given above, the appeal is allowed subject to conditions.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) The land outlined in red on the submitted Site/layout plan at 1:1000 but excluding the area edged in green shall be occupied as follows:

No person shall occupy the caravans or tents for more than two months in any three month period and the caravans and tents shall be used for holiday accommodation only and for no other purpose. No caravan or tent shall form the main residence of any individual.

- 2) The development hereby approved shall be carried out and retained in accordance with the application form and the following approved plans:

- Location Plan 1/1250 (1/4)
- Caravan Pitch Numbers OL1 dated 10.7.18

- 3) The development hereby permitted shall be carried out in accordance with the submitted plans and details, with no more than 25 static caravans as defined within the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 sited at any one time in the positions shown on the approved drawing on the land edged in green and used to provide agricultural worker accommodation.

- 4) No person shall occupy any of the caravans indicated on the approved drawings for more than ten months in any rolling twelve month period and the caravans shall be used for the accommodation of seasonal workers employed solely in agriculture and for no other purpose. No caravan shall be the main residence of any individual.

- 5) The owners of the development hereby approved shall maintain an up-to-date register of the names and their home addresses of all occupiers relating to each of the numbered caravans shown on drawing OL1 dated 10/07/18 along with:

- i. The caravan number responding to the submitted plan,
- ii. The date of arrival of each occupier on the site,
- iii. The location and business of their employment,
- iv. Their periods of employment and of their home addresses, and

Shall make this information available within 5 working days of written request by the Local Planning Authority to the LPA.

- 6) Details of secure refuse storage facilities and collection arrangements shall be submitted within 2 months of the date of this permission to the LPA for approval in writing. The approved details shall be implemented within 1 month of approval and shall be retained and maintained in clean working order in accordance with the approved details.

- 7) At the expiry of period of temporary consent hereby granted the permitted occupancy for the entire site shall be restricted as follows:

No person shall occupy the caravans or tents for more than two months in any three month period and the caravans or tents shall be used for holiday

accommodation only and for no other purpose. No caravan or tent shall form the main residence of any individual.

- 8) The development hereby approved shall be carried out in accordance with the approved Flood Evacuation Plan dated October 2014.

END OF SCHEDULE