
Appeal Decision

Site visit made on 21 October 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/B9506/W/20/3255296

Tanglewood, Twiggs Lane, Marchwood SO40 4UN

- 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 Sharron Baddams against the decision of New Forest National Park Authority.
 - The application Ref 20/00166, dated 10 March 2020, was refused by notice dated 8 June 2020.
 - The development proposed is 2 no portable timber camping pods for summer use on concrete plinth with plug in electrics.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the location of the development accords with local policies which seek to protect the special qualities of the National Park and reduce the need to travel; and
 - the effects of the proposal on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the Solent Maritime Special Area of Conservation, the Solent and Southampton Water Special Protection Area and Solent and Southampton Water Ramsar site (hereafter collectively called the 'protected sites').

Reasons

Location of development

3. The appeal site lies to the south of a linear row of housing that extends from the Marchwood Bypass. As the dwelling are largely detached and set back from the road within spacious, verdant plots, the area has a spacious, verdant character. The main settlement of Marchwood lies to the north of the Bypass.
4. The proposal seeks to retain two camping pods. They are situated on a site which has a host dwelling, Tanglewood, close to the road. There are also a collection of equestrian buildings and buildings in other uses which gives the site a rural mixed-use character.
5. The camping pods are situated on concrete bases with small areas of decking. They are small timber structures with a domed bitumen roof. The two pods

- have electric hook-ups in between them. Internally, they comprise just a single room which can accommodate movable furniture, as is the case presently with both pods accommodating an inflatable bed and microwave, amongst other things. The appellant indicates that the camping pods would not be moved.
6. The development plan for the area comprises the New Forest National Park Local Plan 2016 – 2036 (adopted 2019) (Local Plan). Policy DP2 of the Local Plan is an overarching policy seeking to secure development and changes of use that protect and enhance local character and distinctiveness.
 7. Local Plan Policy SP17 seeks to ensure that development and changes of use do not individually or cumulatively erode the character of the National Park, or result in a gradual suburbanising effect.
 8. Policy SP46 of the Local Plan allows for new small-scale tourist accommodation within the four Defined Villages of Ashurst, Brockenhurst, Lyndhurst and Sway. These villages are identified because they offer a range of facilities and services used by visitors, including restaurants and shops, and have a good degree of connectivity, through public transport provision, footpaths and cycle routes. Outside of these villages, tourist facilities are only supported where they involve the re-use or extension of existing buildings or where they comprise part of a farm diversification scheme.
 9. In acknowledgement of the high concentration of tourist facilities in the New Forest National Park compared to others elsewhere, Local Plan Policy DP47 limits the creation of new caravan and campsites and extensions to holiday parks unless to enable the removal of pitches from sensitive areas by the relocation to a less sensitive area, providing:
 - *“there would be overall environmental benefits;*
 - *there would be no increase in the overall site area or site capacity; and*
 - *the area where the pitches or other facilities are removed from would be fully restored to an appropriate New Forest landscape and any existing use rights are relinquished”.*
 10. The settlement of Marchwood is not one of the ‘Defined Villages’ listed in Policy SP46 and notwithstanding the relatively modest intervening distance, the appeal site lies outside of the settlement of Marchwood. The appeal site is therefore in an area of open countryside within the National Park.
 11. The proposal has not been submitted on the basis that it would involve the re-use of existing buildings, or that it would comprise a farm diversification scheme. The proposal does not involve the removal of pitches from elsewhere and nor have any demonstrable environmental benefits been put forward.
 12. An area of land within the ownership of the appellant has been issued with an exemption certificate by the Camping and Caravanning Club for the use of land for up to 5 caravans and 10 tents on a ‘members only’ basis. This exemption process is outside of the planning regime and planning permission has not been granted for a change of use of land for similar purposes. Whilst hardstandings associated with this exempted activity were approved retrospectively¹, this decision was based on wider considerations and was not considered to result in any increase in overall activity.

¹ Under planning permission reference 16/00314 granted on 13 June 2016

13. From the limited evidence before me, the exemption certificate appears to relate to an area of land that excludes the appeal site. In any event, the camping pods, whilst offering something akin to a form of camping accommodation, are not actually tents and have been found to comprise structures in their own right². Consequently, it is not clear that the camping pods would reduce the overall number of tents otherwise permitted on the land at the same time. The proposal would therefore have the effect of increasing the accommodation capacity of the site.
14. The exemption certificate suggests that the site can be used seasonally, i.e. between March and October, unless otherwise stated. However, the appellant indicates that the season is unrestricted throughout the full year and that the certificate only prevents any user of a tent or caravan/motorhome staying for more than 28 consecutive days. Whilst it may be the appellants intention that the camping pods would be available from 1 April to 30 September and such a seasonal limitation could be conditioned, this does not provide adequate justification for permanent accommodation for visitor stays.
15. Whilst the retention of the hardstandings was not considered obtrusive in landscape terms, it resulted in a modest change to the landcover in order to support an otherwise transient exempted activity. The appeal proposal, whilst noting its containment within a site surrounded by trees, would result in the addition of two permanently sited structures affixed to the land. It would therefore contribute to a gradual suburbanising effect on the National Park.
16. Drawing together this main issue, the location of the appeal proposal, outside of the Defined Villages, in the open countryside and in the absence of any justification to meet the permissible criteria of relevant Local Plan Policies SP46 and DP47, would not protect the special qualities of the National Park or minimise the need to travel. The proposal would therefore conflict with Policies DP2, SP17, DP47 and SP46 of the Local Plan.
17. Whilst I note that the National Planning Policy Framework (the Framework) states in paragraph 83 that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside, the proposal would not do so in this instance for the reasons outlined above. In any event, the Framework is a material consideration that does not override the development plan as the starting point in the determination of this appeal³.

Protected Sites

18. The appeal site is within the zone of influence of the protected sites. It cannot be ruled out that additional overnight visitor accommodation in this location, both individually and cumulatively with other schemes, would have significant effects on the features of interest of the protected sites due to increased recreational use.
19. The appellant does not acknowledge that the proposal would increase the recreational pressures on the protected sites and has not endeavoured to provide the mitigation contribution ordinarily sought by way of a planning obligation.

² APP/B9506/C/18/3210831 & 3213790

³ As per Section 38(6) of the Planning and Compulsory Purchase Act 2004

20. Additionally, the site is within the catchment of a wastewater treatment plant that discharges into the Solent with potential consequent in-combination effects on the Solent Maritime Special Area of Conservation, the Solent and Southampton Water Special Protection Area and Ramsar site. The addition of new overnight accommodation would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the Solent catchment unless nitrate neutrality is achieved, or adequate and effective mitigation is in place prior to any new accommodation being occupied.
21. Though there are presently no immediately available nitrate mitigation solutions, the Council has devised a Grampian-style condition to set a nitrate budget and secure mitigation in the event that the appeal were allowed. The appellant has provided a Nitrate Checklist and appears to agree that this mitigation measure could be secured by such a condition in the event that the appeal were allowed. This mitigation would need to be taken into consideration in the undertaking of any Appropriate Assessment (AA).
22. However, as the appeal is failing on the main issue, the circumstances that could have led to the granting of planning permission are not present. Therefore, it is not necessary for me to ascertain the appropriateness and delivery of the relevant mitigation measures within an AA and I have not taken these matters further.

Other Matters

23. I note the submitted ecology report that indicates the presence of bat roosts within the bat boxes affixed to the pods. It has been identified that there would be a need to seek a Protected Species Licence in order to seek the relocation of the bat boxes. As there appears to be a remedy available that would not unacceptably compromise the conservation status of the protected species, this aspect does not weigh against the proposal.
24. The appellant claims that the proposal is compliant with all other policies in the Local Plan, in particular those relating to design and effects on neighbours. However, the absence of harm is a neutral factor in the overall balance.
25. The appellant indicates that the Covid-19 pandemic has impacted travel abroad, resulting in a greater demand for 'staycations'. Whilst the two pods would provide accommodation with some degree of associated economic benefits, the Local Plan indicates the circumstances under which such proposals shall be permitted. No evidence has been submitted to suggest that the existing accommodation facilities within the surrounding area are oversubscribed, even with the alleged increased demand.

Conclusion

26. The appeal proposal conflicts with the development plan, read as a whole. The benefits of the scheme do not amount to considerations of sufficient materiality to indicate that a decision should be taken other than in accordance therewith.
27. For the above reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR