



Appeal Decision

Site visit made on 10 February 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020.

Appeal Ref: APP/B9506/W/19/3241260

Lower Lepe Camping, Lepe Road, Lepe, Exbury SO45 1AD

- 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 Mrs H Wiseman, The Cadland Estate against the decision of New Forest National Park Authority.
 - The application Ref 19/00251, dated 22 March 2019, was refused by notice dated 29 May 2019.
 - The development proposed is retention of access track to serve campsite and agricultural land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined, the New Forest National Park Local Plan 2016 – 2036 (LP) has been adopted. I have determined the appeal having regard to the development plan now in force, rather than those policies cited in the Authority's decision notice from the New Forest National Park Core Strategy and Development Management Policies DPD 2010. No party would be prejudiced by the consideration of the appeal on the basis of the new policies, as there is recognition of these in the respective appeal statements and there has been an opportunity to comment.
3. The appeal development, an access track, has already been constructed. The appellant is therefore seeking the retention for what has been built, while proposing the restoration of a part of the track to grass. I determined the appeal on that basis. During my site visit I noted an additional length of track that is not on the plans before me, therefore I have not considered this in my assessment.
4. The Authority has issued an enforcement notice in relation to the works that have been carried out, while I am aware of ongoing enforcement matters at the site. However, this has not had a bearing on my determination of this appeal against the refusal of planning permission.

Main Issues

5. The main issues raised by this appeal are:
 - The effect of the development on the character and appearance of the area, including the New Forest National Park (the National Park);
 - Whether the development satisfies local policy in respect of agriculture and camping development.

Reasons

Character and Appearance

6. The appeal site forms part of a large agricultural field mostly enclosed by hedgerow. The surrounding land is primarily agricultural in character, comprising large field enclosures, yet to the south of the appeal site is Lepe Country Park which encompasses a network of paths, areas for parking and an access onto Lepe Beach.
7. The appeal scheme comprises a roughly L shaped single width access track formed of crushed stone and incorporating a length of approximately 300m. The track widens at its apex and where it terminates. Vehicles obtain access onto the track from the existing gated field entrance off Lepe Road. From here the track follows and is located close to part of the field's western and southern boundaries. A large portion of the field is covered by arable crop, while areas to the south and east comprise improved grassland. I also noted a large temporary crop storage bag known as an 'Ag-Bag'. This was considerable in length, sited close to the southern boundary and running parallel with part of the access track.
8. The New Forest Landscape Character Assessment (LCA) describes the various features of the National Park that combine to make its landscape character special. The appeal site lies within the North West Solent Estates landscape character area (NWSE). One of the key landscape characteristics of the NWSE is the enclosed, well managed agricultural landscape of large regular parliamentary fields divided by ditch and bank hedge boundaries with gaps reinforced by post and wire. The LCA's management guidelines for the area require protection of the landscape's traditional pastoral character, particularly associated with areas of historic field patterns.
9. Although during my site visit, I observed that the Ag-Bag screened part of the access track it was nevertheless visible from within the field and through gaps in the hedge boundary, particularly when seen from the path within the Country Park to the south. The track's length, width and hard engineered surface of compacted crushed stone contrasts markedly with the softer landscape qualities of the field and boundary hedge. This has a direct physical impact on the otherwise pastoral qualities of the field by the introduction of an expansive feature that has an incongruous visual effect on the field and the surrounding area.
10. The reduction of the track's area at its inside corner and its reinstatement to grass would reduce its overall scale and land coverage. However, this would be a modest reduction in the landscape and visual effects of the track given the size of the area of reinstatement relative to the overall scale and alignment of the track, and consequently would not overcome the harm I have identified.
11. I accept that the track will be seen from a number of vistas against the backdrop of the Ag-Bag and paraphernalia associated with the field's seasonal camping use. However, both these are temporary rather than permanent features within the field, and the access track's harmful impact will be accentuated in their absence. Consequently, their presence, albeit temporary, does not justify what is otherwise an unacceptable form of development.
12. Whilst an alternative grass track would wear and become compacted, it would not, in my view, have the same harsh visual appearance as one covered in crushed stone. Although I am mindful of the level of detail that can be gleaned from the aerial image of the field taken in 2017, and submitted by the Council, it nevertheless suggests that the grass has recovered, and regrown following vehicle movements associated with the camping use.

13. Therefore, the development will have an unacceptably harmful effect on the character and appearance of the area including the National Park. As a consequence, it will not accord with Policies DP2, SP7 and SP17 of the LP. These amongst other considerations require developments to respect landscape character and conserve the landscape and scenic beauty of the National Park. The development also conflicts with the management guidelines of the LCA. The development is also contrary to the Framework where it requires the protection of local character and the great weight associated in conserving and enhancing cultural heritage and the landscape and scenic beauty of National Parks.

Agriculture and Camping

14. The access track will serve the camping and agricultural activities that take place in the field.
15. Part of the appeal site is covered by a seasonal camping licence that allows up to 60 days of camping during the year. At the time of the submission of the application, it was confirmed in the submitted details that the temporary camping use had been in operation for 3 seasons.
16. Policy DP47 of the LP places restrictions on when new campsites and extensions to existing ones would be supported. The supporting text in the policy states that proposals for ancillary developments to support seasonal campsites, such as hardstandings and toilets, will not be viewed favourably. Although not listed in the policy, I consider a permanent access track to be an example of ancillary development in this respect.
17. As a temporary use that only has a short-lived existence during the calendar year, a permanent access track of this scale and length will fail to accord with the policy, whilst also having an enduring physical impact on the field, when the campsite is not in use.
18. I acknowledge that without the track the access to the campsite could become rutted, however, there may be alternative access arrangements for vehicles that would not cause landscape and visual harm, whilst also being more commensurate with the campsite's temporary seasonal use. The desire for a more permanent, hard surface is therefore not a justification for permitting something I have found to be harmful on landscape and visual grounds.
19. The Appellant submits that the access track is necessary in connection with the Ag-Bag system of crop storage. The Ag-Bag stores harvested maize from November to April in any one year until it is required by a biogas producer, which the Estate has an existing contract with. Without an access track the Appellant, contends that the land over which vehicles would be driven to load and unload the Ag-Bag will become rutted in wet weather and pose manoeuvring difficulties for tractors and HGVs.
20. Policy SP48 of the LP states that land-based businesses such as farming that help maintain the overall character and cultural identity of the National Park would be beneficial to the New Forest. The supporting text to the policy also indicates that farming will be given particular support, amongst other considerations, to provide local produce or create local employment.
21. Whilst I acknowledge that the access track will be a harder and smoother surface that will likely assist vehicle manoeuvres, modern farm machinery and vehicles are designed to travel across fields and often over more challenging terrain than the appeal site, and as such I see no reason why a dedicated hard surfaced track will be required for the loading and unloading of the stored crop within the Ag-Bag.

Although rutting may occur on a grass track, the field has shown it can regenerate from vehicle movements, while alternative or temporary, less harmful access arrangements could be put in place to reduce the impact on the soil.

22. The use of the Ag-Bag, according to the Appellant, is for storage between November and April, therefore I do not envisage constant vehicle movements during the months that maize is being stored to the extent that a permanent access track is necessary. The access track is also likely to be superfluous outside of November-April and the 60-day camping licence period. Furthermore, the Ag-Bag is a temporary form of storage, and I have no details before me to indicate how long it will be in place adjacent to the access track.
23. Based on the above, and the lack of any compelling evidence and justification, I do not consider that the camping and Ag-Bag uses will fail to function without the current access track in place or affect the local employment and produce benefits associated with these activities. Failing to provide a dedicated access track would suggest that similar tourism and farming practices would not succeed without one. Therefore, the development would not maintain the overall character and cultural identity of the National Park. Moreover, there is insufficient justification for the access track, or demonstrable benefits to the farming use. Accordingly, there aren't any considerations that would outweigh the landscape and visual harm I have identified.
24. Consequently, the development does not satisfy the relevant local policy tests applicable to camping and agriculture. It therefore fails to accord with Policies DP47, SP46 and SP48 of the LP, which do not view favourably ancillary developments to seasonal campsites or developments that harm the special qualities of the National Park. The proposal is also contrary to the Framework, where it requires tourism developments to respect the character of the countryside.

Other Matter

25. The appeal site is within the influence zone of a Special Protection Area / Special Area of Conservation. However, as I am dismissing the appeal on other grounds and therefore there is no prospect of planning permission being granted, it has not been necessary to consider this matter any further in this case.

Conclusion

26. For the reasons outlined above, and having regard to the other matter raised, I conclude that the appeal should be dismissed.

R.E. Jones

INSPECTOR