



Appeal Decision

Hearing held on 7 July 2015

Site visit made on 7 July 2015

by Tom Cannon BA DIP TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2015

Appeal Ref: APP/L3245/W/15/3006013

Bridleway Caravan Park, Henlle Lane, Gobowen, Oswestry SY10 7AX

- 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 R and J Roberts against the decision of Shropshire Council.
 - The application Ref 14/02529/FUL, 6 June 2014, was refused by notice dated 2 October 2014.
 - The development is described on the application forms as "The siting of chalet caravan to provide reception desk, office and warden's accommodation."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development set out in the application forms relates to the siting of a chalet caravan to provide a reception desk, office and warden's accommodation. Although the appellants' suggest they would be willing to site a mobile home or large touring caravan, for a temporary period for warden's accommodation only, no amendments were formally made to the application prior to its determination by the Council. However, at the Hearing Mr and Mrs Roberts confirmed that, if the permanent stationing of a chalet caravan was not accepted, then they would be prepared to accept a 2 or 3 year temporary permission to provide accommodation by a site warden for 10 months of the year.
3. The Council confirmed at the Hearing that the examination into the emerging Site Allocations and Management of Development (SAMDev) has taken place, and they are currently consulting on the examining Inspector's main modifications to the plan. It is anticipated that the SAMDev will be adopted in late September or October 2015.
4. I understand that Policy MD11 of the SAMDev, referred to in the Council's case is not subject to modification. It states that tourism, leisure and recreation development proposals that require a countryside location will be permitted, where amongst other things, they meet the requirements of Policies CS5 and CS16 of the Shropshire Local Development Framework Core Strategy 2011 (CS) and national guidance. Given its stage of preparation, lack of unresolved objections and consistency with one of the objectives of the National Planning Policy Framework (the Framework) to support a prosperous rural economy, Policy MD11 is clearly a material consideration in the determination of this case.

Background

5. Bridleway Caravan Park comprises of a roughly triangular parcel of land situated within the open countryside, immediately to the east of the A5. The land, which extends to approximately 1.6 acres in size, is accessed off Henlle Lane, which links the appeal site to the B5070 to the north, and the village of Gobowen to the south.
6. The site has operated as a caravan park since 2010. Originally it provided a certified site for five caravans. However planning permission was subsequently granted to increase the number of parking bays, laying of hardstanding and internal access road, and construction of a toilet/shower block and office. Currently, the appeal site provides a total of 12 touring caravan plots available throughout the year, with pitch fees set at £15 per caravan. I observed at my site visit that the existing on-site office, despite its modest size provides an area where guests can be booked in and paper work completed, together with a small kitchenette and washing facilities.
7. There are also two modest parcels of land at the southern and northern ends of the site which are set aside for tents. Although these areas could potentially accommodate around 25 to 30 camping pitches, the appellant has confirmed that for health and safety reasons they do not accept tents on site.
8. I understand that the appeal development would result in the loss of at least one of the existing touring pitches. To off-set the impact on the existing business, and retain 12 caravan plots on site, Mr Roberts confirmed that part of the camping area would be utilised for replacement caravan pitch(es). However, this does not form part of the development which is before me. Thus, the appeal proposal, if permitted would reduce the total number of available touring pitches to 11, albeit for a temporary period.
9. The proposed caravan would be occupied by a member of the appellants' family who would act as a warden providing an on-site presence, 24 hours a day for customers. I understand that Mr and Mrs Roberts, their sons and daughter would occupy the caravan on a rota basis, but would continue to reside at their existing properties elsewhere when they are off duty. It would not therefore be occupied as a sole or main place of residence. Nevertheless, it is suggested by the appellants' that the warden's accommodation, which would ideally be in the form of a permanent residential presence on site is necessary to satisfy the functional requirements of the business.

Main Issue

10. Based on all that I have seen, read and the discussion at the Hearing, I consider that the main issue in this case is whether the proposal would represent sustainable development in the open countryside so as to accord with national and local plan policy.

Reasons

Policy context

11. Policy CS16 of the CS seeks to deliver sustainable tourism, culture and leisure development which enhances the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities. New and extended tourism development should,

amongst other things be appropriate to its location, and enhance and protect the existing tourism offer in Shropshire. It also requires that development accords with Policy CS5 of the CS.

12. Policy CS5 of the CS states that new development will be strictly controlled in the countryside in accordance with national policy. Development proposals which maintain and enhance countryside vitality will be permitted where they improve the sustainability of local communities by bringing local economic and community benefits. This particularly relates to sustainable rural tourism, leisure and recreational proposals which require a countryside location. These policies, together with Strategic Objective 7 of the CS are closely aligned with paragraph 28, and one of the core planning principles of the Framework, to promote sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and to recognise the intrinsic character and beauty of the countryside.
13. It is common ground between the parties that the appeal development would preserve the character and appearance of the countryside. Given the mature planting along the boundaries of the site, and its proposed position adjacent to the existing amenity building I see no reason to disagree with the above stance.
14. The overarching aim of Policies CS15 and CS5 is to deliver sustainable tourism. In other words, to represent sustainable tourism development a proposal must be necessary to ensure the sustainable operation and functioning of the business. To my mind the provision of warden's accommodation for occupation by several family members would have a similar purpose as a dwelling housing an essential rural worker, in that the occupiers would meet a functional need for a worker to be present on-site 24 hours a day. In this respect Policy CS5 of the CS does provide, amongst other things, for dwellings to house other essential countryside workers to meet a local need. This is consistent with one of the special circumstances listed in paragraph 55 of the Framework which permits isolated homes in the countryside if there is an essential need for a rural worker to live permanently at or near their place of work.
15. Further advice on other occupational dwellings in rural areas is provided in the Shropshire Local Development Framework 'Type and Affordability of Housing Supplementary Planning Document' 2012 (SPD) which post-dates the Framework. It advises that applicants will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time ("time" being 24 hours a day, 7 days a week), with applications for temporary dwellings supported where a business case is shown. This seems a reasonable approach to me of defining an essential need.

Essential need

16. Mr and Mrs Roberts currently reside in Weston Rhyn, which depending on the route taken is between 3.2 and 5 kilometres from Bridleway Caravan Park. The appellants' have confirmed that they make regular return trips to and from the appeal site on a daily basis in connection with the operation of the caravan park, a journey of between 10 and 15 minutes.
17. I recognise that the provision of on-site warden's accommodation would improve the efficiency of the enterprise by reducing the requirement for Mr and

Mrs Roberts to make repeat trips to the site. This can include frequent daily visits, particularly in the busier summer period, to welcome guests, respond to customer queries and the general maintenance of the caravan park. A continuous presence at the site may also provide guests with the reassurance that they are not leaving often expensive caravans unattended when they are away from the park. I understand that several customers have raised concerns in this regard, with the appellants' suggesting that this has impacted on repeat bookings. I am also mindful that the site may have lost business from passing trade in the absence of a permanent presence on the land, given its location alongside the A5. Therefore, a permanent on-site presence could provide some benefits to visitors. As would a larger office and reception area, if occupancy rates at the caravan park are high, and the existing provision is unable to cope with demand.

18. Only limited evidence of bookings and occupancy rates at the caravan park have been provided in this appeal. The appellant suggests that more than 7 caravans frequently occupy the site, with 36 people counted at the park on one occasion. However, only extracts from the booking diary have been supplied covering 1 month periods in each of the last 3 years. This evidence demonstrates that over this period, only on three occasions' since 2012 have 7 or more caravans have occupied the site. For the remainder of the sample months, which relate to August, April and July respectively, very few bookings appear to have been made. This suggests that even in peak periods, occupancy rates were low, with only a limited number of customers on the site at any one time.
19. The appellants' provided oral evidence at the Hearing regarding recent bookings at the caravan park. For the period from April to the end of July 2015, the business received bookings totalling £3000. I understand this represents an increase over the equivalent period in 2014. Taking a pitch fee of £15 per night this amounts to around 200 nightly bookings, or an average of 66 overnight stays each month. This indicates that even during this period which includes several bank holiday weekends, the 12 pitch site is still not operating anywhere near its full capacity.
20. Mr and Mrs Roberts accepted at the Hearing that, whilst they do receive bookings outside the busier summer period, particularly from visitors to the nearby hospital, occupancy rates were significantly lower for the remainder of the year. Therefore, given the scale of the existing enterprise and number of bookings taken, it is clear from the evidence put before me in this appeal that there is no functional requirement for either a permanent, or temporary on-site presence for 10 months of the year in connection with the existing business. Nor have any detailed forecasted projections been supplied of the potential uplift in business generated by the provision of warden's accommodation at the caravan park. Such tasks are therefore capable of being undertaken by a non-resident worker(s). Furthermore, it has not been adequately demonstrated that the number of visitors to the site justifies the provision of a larger new reception and office area.
21. I understand from the letter supplied by Mr and Mrs Roberts accountant that considerable investment has been made in the business. Nevertheless, the overheads associated with travelling to and from the site are impacting on the profitability of the business. It was also clearly evident from my site visit that the caravan park is well maintained with modern facilities. However, no

detailed financial accounts have been provided to demonstrate that the business is financially viable, or indicate how the warden's accommodation would affect the profitability of the enterprise. In combination with the limited information provided regarding occupancy rates, this provides insufficient evidence to indicate that a business need has been shown to justify temporary accommodation for a warden at the appeal site.

22. I am mindful that the potential vulnerability of the site is causing the appellants' considerable stress and worry. I also recognise that in the absence of a site warden health and safety regulations require that access is available to the caravan park at all times. In total, 4 incidences at the park, including the attempted theft of a caravan and a canoe have been reported to the Police between 2011 and 2014. The appellant is also concerned that the post box which receives mail for the business is particularly susceptible to theft and misuse. It is therefore suggested that a 24 hour presence on site would not only provide peace of mind for the appellants' but also increase the attractiveness of the caravan park for potential visitors.
23. The Council has indicated that CCTV could provide an alternative method of improving on site security. I recognise that an extensive security system maybe beyond the financial means of the business. Nevertheless, basic security lighting and CCTV cameras can be installed at relatively low cost and act as a deterrent for potential criminal activity. Moreover, the number of reported incidences on site is low, with no issues arising since July 2014. Therefore, any potential security benefits associated with the development does not in isolation justify the provision of on-site warden's accommodation at Bridleway Caravan Park.
24. For the above reasons, I conclude that the appellant has failed to demonstrate an essential need for an on-site residential presence in connection with the caravan park, either permanently or for 10 months in each calendar year. Thus, the development would conflict with Policies CS5 and CS15 of the CS, guidance in the SPD, emerging Policy MD11 of the SAMDev, and the provisions of the Framework.

Sustainable tourism

25. The appeal site is situated within close proximity of several visitor attractions including, Chirk Castle, Erddig Hall and the national canal system. Many customers also use Bridleway Caravan Park throughout the year in connection with visiting family and friends at the nearby hospital. The appellants' have confirmed that visitors to the site utilise local shops and facilities providing some, albeit limited benefits to the local economy. I am also mindful that there are a number of other forms of tourist accommodation in the general vicinity of the site which suggests it is a popular area with visitors. However, other than one letter supplied by a visitor to the site raising concerns about the lack of an on-site presence, I have not been provided with any tangible evidence to demonstrate why the provision of warden's accommodation would significantly increase bookings at the caravan park.
26. Therefore, given the modest scale of Bridleway Caravan Park and the potential limited increase in the number of customers who may be attracted to the site as a direct result of the provision of warden's accommodation, any potential benefits to the local economy or community are likely to be limited. Similarly,

any enhancements to countryside vitality and the sustainability of local communities would be modest.

Overall Conclusion

27. I therefore conclude that the proposed development, despite some modest benefits for visitors to the site, the local economy and community would not constitute sustainable tourism development as it has not been demonstrated that there is an essential need for a residential presence on site in connection with the existing business either on a permanent or temporary basis. Nor is it essential, given the scale of the business and occupancy rates that a larger reception and office space is currently required to support the demands of the enterprise. Consequently, the appeal proposal would not represent sustainable development in the open countryside so as to accord with national and local plan policy and thus would conflict with Policies CS5 and CS15 of the CS, guidance in the SPD, emerging Policy MD11 of the SAMDev and the Framework.

Other Matters

28. Reference was made at the Hearing to planning permission for a facilities building with managers flat at Condoover Fishing Pools in connection with 15 touring caravan pitches. It is clear from the officer report that the justification for an on-site residential presence was based not only on the functional requirement of the touring caravan site but the authorised use of the land for fishing pools. Thus, although the fishing pools aspect of the business was only seasonal, and the appellants' have questioned the scope of conditions imposed under this permission, it clearly relates to a larger and more diverse enterprise. As such, it is not directly comparable to the appeal development.
29. The appellant has also referred to other touring caravan sites in the locality which have on site warden's accommodation. However, it also appears that these are much larger caravan parks and the functional demand for a permanent on site presence is therefore greater.
30. I agree with the appellants' that the wording of the Council's reason for refusal is vague. Nevertheless, the officer report and appeal statement clearly sets out why, in their view the development conflicts with both national and local planning policy. Further oral evidence was also provided by the Council at the Hearing in this regard. I am therefore satisfied that the Council has provided reasoned justification for refusing the original application. Nor have the suggested inaccuracies in the officer report affected my conclusions on this case.

Conclusions

31. For the reasons set out above, and having regard to all other matters raised, including the scope of possible conditions, I conclude that the appeal should be dismissed.

T Cannon

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Bennett	Agent
Mr & Mrs Roberts	Appellants'
Mr & Mrs Roberts	Appellants' son and daughter in law

FOR THE LOCAL PLANNING AUTHORITY:

Miss Melanie Durant	Planning Officer Shropshire Council
Mr Tim Rodgers	Area Planning Manager Shropshire Council

INTERESTED PARTIES

Mrs Celia Coombes	Local resident
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DOCUMENTS SUBMITTED AT THE HEARING

1. Shropshire Local Development Framework 'Type and Affordability of Housing Supplementary Planning Document' 2012 (SPD)
2. Emerging Policy MD11 of the Shropshire Council 'Site Allocations and Management of Development' 2014 (SAMDev)
3. Email correspondence between the main parties
4. Plan identifying the appeal site and other holiday accommodation and local facilities
5. Plan demonstrating potential routes between the appellants' property in Weston Rhyn and the appeal site
5. Planning application 14/00155/FUL on land adjacent to Condover Fishing pools, Condover Park, Condover, Shrewsbury