



Appeal Decision

Site visit made on 15 October 2018

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15th November 2018

Appeal Ref: APP/U1430/W/18/3203136

Oak Valley Camping, Pannel Place, Pannel Lane, Pett TN35 4JB

- 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 Mr J Mason against the decision of Rother District Council.
 - The application Ref RR/2017/1714/P, dated 21 July 2017, was refused by notice dated 22 January 2018.
 - The development proposed is development of a campsite for a maximum of thirty tents including two glamping tents with timber bases, from 1 March to 31 October each year. Conversion of two loose boxes to wash block. Installation of a cess pit. Use of stable block and ancillary storage. Replacement of sand school with a children's play area. Parking for guests. Temporary stationing for a twelve month period of two mobile shower blocks and six chemical toilets. Provision of seven passing bays in Pannel Lane. (Part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for a campsite for a maximum of thirty tents including two glamping tents with timber bases, from 1 March to 31 October each year. Conversion of two loose boxes to wash block. Installation of a cess pit. Use of stable block and ancillary storage. Replacement of sand school with a children's play area. Parking for guests. Temporary stationing for a twelve month period of two mobile shower blocks and six chemical toilets. Provision of seven passing bays in Pannel Lane. (Part retrospective) at Oak Valley Camping, Pannel Place, Pannel Lane, Pett TN35 4JB in accordance with the terms of the application, Ref RR/2017/1714/P, dated 21 July 2017, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with specific regard to the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is located within the AONB and historically functioned as a farm, however this activity ceased a number of years ago. It encompasses a large parcel of land, which incorporates a modern barn, an old stable building, former sand school area and some fields. The old stable building has already been converted to provide wash facilities, and the former sand school has been laid as grass for use as a play space. The main dwelling, garage, annex and

two existing holiday lets are excluded from the scheme. Pannel Lane is included in the proposal to include the passing bays.

4. The Rother Local Plan Core Strategy 2014 (CS) reinforces the aim of the National Planning Policy Framework (the Framework) with regards to protecting the AONB. The CS permits development within the AONB provided it does not result in harm, and subject to protecting habitats (which includes ancient woodland) the CS also encourages tourism.
5. The site slopes away from Pannel Lane. It is bordered by large mature trees, with ancient woodland along part of the boundary. A public footpath runs through the site which is accessed by a stile, and along the majority of the remaining boundary a wire fence is in situ.
6. The tents would be informally placed within the site, although I noted at my site visit that due to the gradient of the site the area closest to the boundary which abuts the ancient woodland would be difficult to utilise. This would assist in restricting the sprawl of the proposal and contain it comfortably as a cluster. With the exception of views from the public footpath the proposal would be largely screened from any wider views. The extent of the surrounding woodland would shelter those wider views for the months that the site was in use.
7. The ancient woodland abuts part of the site, along this boundary a wire fence restricts access to the ancient woodland. The installation of a buffer would further assist in deterring those people using the site from trying to access the woodland directly from the site. Natural England advises that buffers of between 5 and 15 metres be included to protect ancient woodland. Taking account the physical placement of the fence, and the fact that the stile provides public access to the wooded area beyond the site as part of the public right of way, along with the transient nature of the use, a 15 metre buffer would be excessive in these circumstances. However, a buffer would provide additional protection of the woodland, and for associated habitats which may be affected by the proposal. Therefore a buffer of no less than 5 metres but no more than 15 metres, would be reasonable to ensure the protection of the ancient woodland and its associated habitats and could be addressed by way of condition.
8. The AONB is characterised by ancient routeways (now tracks, roads and paths) in the form of ridge top roads and a dense system of radiating driveways. Ancient routeways are often narrow, deeply sunken, and edged with trees, hedges and wildflower rich verges and boundary banks. Pannel Lane is a historic route within the AONB. It is largely single track with a number of passing bays along its length. Over time there has been a general increase in traffic, through increase in domestic vehicles, deliveries and agricultural vehicles. In addition the appeal site has been used for camping for the past two years. It would appear that the existing verges have in a number of places been used as informal passing places, although this may be somewhat weather dependant due to their informal nature.
9. In order to accommodate the proposal it would be necessary in the interest of highway safety to improve the passing possibilities along Pannel Lane. Of the seven passing places along the lane, numbers 3, 6 and 7 would not need alterations. Passing place 1 is currently used as an informal passing bay. In order to improve passing place 1 the vegetation on the bank would be cut

back, and I am satisfied on the basis of the evidence that this could be carried out without interfering with any existing tree roots.

10. Passing Place 2 would utilise an existing entrance and weed area which would have less of an impact on the trees. Whilst this would result in poorer intervisibility with passing place 3 however I am satisfied on the basis of the evidence that it would not result in a risk to highway safety and would retain the character more successfully.
11. Passing Place 4 would also utilise an existing access, on the west side of Pannel Lane. The works required to necessitate the visibility improvements would necessitate a cutting back of the overgrown bushes. Passing Place 5 would be extended slightly to improve visibility towards passing place 6.
12. No bushes or trees in their entirety would be removed in order to accommodate the proposed passing places, although some low vegetation would be removed in passing places 2 and 3. These works would be akin to those required for the safe use of a rural lane for vehicular and pedestrian traffic. The level of vegetation surrounding the area generally is quite formidable, and the extent of the works required to accommodate the passing lanes would be minimal in comparison.
13. Following on from the initial works the only future works would be related to ongoing maintenance to maintain highway safety. The works required would be limited and would sit comfortably within the wider experience of the lane. The development would be restricted in size and would not, even when considered cumulatively, have an urbanising impact on Pannel Lane. On the basis that the areas identified for hardstanding would be very limited, and would need to be maintained, I consider that bitmac would be a suitable material for the passing bays.
14. Great weight should be given to conserving and enhancing landscape and scenic beauty in areas of outstanding natural beauty, which have the highest protection in relation to these issues. The development proposed on the appeal site, and the seasonal erection of tents, would not be intrusive on the site or within the wider landscape of the AONB. The passing bays are imperative to ensure highway safety but in order to provide these improvements some very slight erosion of the lane in a limited number of places would occur. These alterations would not themselves erode the character of the lane, nor would they detract from the historical use of the land as an ancient routeway. In addition they would encourage the correct passing of vehicles in order to avoid incremental harm that may pose a threat to the character of the lane in the future. Passing places are a common and necessary element of the countryside landscape and are themselves an established feature.
15. Overall I find that the proposal would not be inconsistent with the development plan policies and the Framework which seek to safeguard, protect and enhance the AONB. Accordingly it would comply with Policies OSS4 (iii) and EN (i) of the Rother Local Plan Core Strategy which seek, amongst other things, to protect the character and appearance of the area.

Other matters

16. I have considered the appeal referred to at Wattle Hill Oast. That development was for a camping site, however it also included a change of use from a private

to a public swimming pool and fitness centre. In addition there were a number of residential properties in close proximity that may have been affected by the intensification in the use of the site for the range of permitted activities. The circumstances of this site are materially different to the appeal site, and I have as required by law determined the scheme before me on the basis of its own merits.

17. The development referred to at Claytythe related to residential development which would be fundamentally different to the seasonal use of this site, I am therefore unable to make a meaningful comparison.
18. The nearest neighbouring property is Bluebells. Due to the incredibly sheltered effect of the surrounding woodland, and the distance between the appeal site and the neighbouring dwelling, Bluebells is not visible from the site, and the proposal would not have a direct impact on the privacy of the occupiers of Bluebells. Vehicles entering the site would be parked a considerable distance from both Pannel Place and Bluebells. The layout of the site would ensure that campers would be informally dispersed around the appeal site, and both the shower block and play area are centrally located. Whilst I accept that noise travels in a rural area, the physical presence of the mature vegetation and established trees between the appeal site and the neighbouring dwelling would significantly restrict the extent of noise. I do not consider that noise related to the use of the campsite for those months permitted would increase to a level that would have a harmful impact on the living conditions of the occupiers of Bluebells.
19. Concerns have been raised regarding the behaviour of people within the woodland, and the access to it. Some access to the wider area is inevitable due to the public right of way and existing style. Access from elsewhere within the site would be significantly restricted due to the fencing. Taking into account the protected nature of the area in general it would be beneficial to educate visitors on the importance of conservation. Concerns regarding antisocial behaviour should be raised with the appropriate bodies in the first instance.
20. A cess pit with a capacity of 40,000 litres would be located within the appeal site for disposal of foul drainage associated with the campsite use. This would be maintained and emptied during the permitted use of the campsite. I am satisfied that a suitable condition could be imposed to ensure that foul drainage would be adequately addressed.
21. Due to the physical restraints along Pannel Lane, it being largely single file with vegetation along the majority of the length, it is not possible to travel at speed along the road. It is a rural area, and Pannel Lane has the character of a rural lane. Therefore those on foot, or possibly riding, would be familiar with the area and also with those areas where passing would be possible. The safety of pedestrians should be taken seriously, however I consider that anyone using the lane is likely to be familiar with the nature of a rural lane and take caution accordingly. Similarly those in vehicles would adapt to their driving environment. On the basis of the evidence I do not consider that the seasonal increase in travel would lead to a risk to highway safety on either the lane or the wider road network that would justify dismissing the appeal.

Conclusion and conditions

22. The proposal would comply with the development plan as a whole and therefore, subject to conditions, it should be allowed.
23. The Council has suggested a number of comments which I have considered in accordance with the Framework and the Planning Practice Guidance (PPG). As part of the proposal is retrospective I have amended some of the conditions to reflect the particular circumstances of the site. It is necessary to ensure that the works are carried out prior to the use of the site for camping purposes, which in accordance with this decision may commence after 1 March 2019.
24. The Council has suggested that, if successful, the appeal be allowed for a temporary period so that the impact on living conditions can be assessed. The PPG advises that conditions limiting use to a temporary period should only be used in order to assess the effect of the development, or where it is expected that planning circumstances might change. Where the development complies with the development plan a condition limiting use to a temporary period will rarely ass the text of necessity.
25. On the basis of the evidence I have found that the proposal would comply with the development plan as a whole. Furthermore I have found that it would not have a harmful impact on the living conditions of neighbouring occupiers, who are some distance away. Therefore I do not consider that in these circumstances a condition limiting the development for a temporary period would be necessary.
26. A condition specifying the plans is necessary for certainty. A condition specifying the scheme for a buffer zone is necessary to protect the ancient woodland. A condition specifying materials for the passing places is necessary in the interests of protecting the character of the area. Conditions relating to car parking, lighting, conservation information and specific permitted seasonal restrictions are necessary in the interests of protecting both the character of the area and living conditions of neighbouring occupiers. A condition relating to the cess pit is necessary to ensure proper drainage of the site.
27. Accordingly for the reasons above, and taking into account all other matters raised, I conclude that the appeal should succeed.

J Ayres

INSPECTOR

SCEHDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing no. 4824.01 rev.A, dated 02 Jan 2018
 - Drawing no. 4824.02 rev.D, dated 02 Jan 2018
 - Drawing no. 4824.03, dated July 2017
 - Drawings no. A4-3717/01-09 inclusive
 - Drawings no. 572-01, 02 and 03 rev.P1, dated Oct 2015
 - Environmental/ Landscape Impact Report, dated 1 November 2017

- 2) No use of the site for the approved camping purposes shall take place until a scheme has been implemented for the creation of a buffer zone, of between 5 and 15m in depth, along those boundaries of the site which abut the ancient woodland, which has first been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection during use of the site;
 - ii) details of any additional boundary(ies) within the campsite;
 - iii) planting plans;
 - iv) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate (plants/trees to be suitable native species reflecting the local biodiversity);
 - vi) implementation programme.
- 3) Notwithstanding the annotation on drawing no. A4-3717/08, the proposed passing places shall be surfaced with tarmac and the passing places shall be created in accordance with the approved plans and in agreement with the Highway Authority, prior to commencement of the use of the campsite hereby approved.
- 4) The use as a campsite hereby approved shall not commence until the car parking and turning areas has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles, during operation of the campsite.
- 5) The use as a campsite hereby approved shall not commence until the cess pit has been installed and a full scheme detailing the process and timetable for emptying the cess pit and removing contents from the site has been submitted to and approved in writing by the local planning authority, in association with the Environment Agency. The scheme shall be implemented as approved.
- 6) The use as a campsite hereby approved shall not commence until a scheme for interpretive and informative information for visitors to the site, in respect of the conservation and use of the site and surrounding countryside, including protection of ancient woodland, has been submitted to and approved in writing by the local planning authority, in association with the High Weald Unit. The scheme shall be implemented as approved and thereafter retained.
- 7) A maximum of 30 tents and 2 glamping tents shall be located at the site and as hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence or any other purpose at any time.
- 8) At no time from 1 November to the last day of February the following year in any year shall any holiday accommodation hereby permitted be erected within the site. During this time all tents are to be removed from the land and the land returned to its former natural condition.

- 9) At no time from 1 March to 31 October in any year shall any amplified music or any amplified public address system be used within the site.
- 10) No external lighting shall be provided on the site unless details of such lighting have first been submitted to and approved in writing by the Local Planning Authority. Any approved lighting shall be carried out in accordance with the approved details only and retained as such thereafter.

END OF SCHEDULE

