



Appeal Decision

Site visit made on 5 June 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2024

Appeal Ref: APP/P1045/W/23/3329871

Land east of Turlowfields Lane, Atlow, Derbyshire, DE6 1PZ

Easting: 424365 Northing: 348743

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Phil Kerry against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/00025/FUL.
 - The development proposed is described on the application form as “change of use of land for glamping”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At appeal stage the appellant submitted an Arboricultural Impact Assessment and supporting information relating to tree protection, together with an updated topographical survey. These documents were not seen by the Council at the time the planning application was in. However, the Council has had the opportunity to comment on this information as part of its appeal submission, albeit it has not done so. The additional information does not change the substance of the proposed development that was considered by the Council. Therefore, the Council and interested parties would not be prejudiced by my consideration of it.

Main Issues

3. The main issues are whether the proposed development would be in a suitable location having regard to accessibility; and the effect of the proposal on trees and hedgerows.

Reasons

Location

4. The appeal site is an area of land along Turlowfields Lane. It is largely grassed over and contains groups of trees which effectively divide the land into separate areas. There is a large storage building and a track at the site entrance, and the evidence also refers to a mobile home on the site, though that had been removed by the time of my site visit. The boundaries consist of trees and hedgerows and there is an access gate at the site entrance and fencing to the site frontage.

5. The site is located within the countryside for the purposes of the development plan, which consists of the Derbyshire Dales Local Plan (2017) (LP). LP Policy S1 sets out the principles of sustainable development. LP Policy S4 is supportive of development outside defined settlement boundaries where it represents sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities.
6. LP Policy EC9 sets out a number of criteria for proposals for holiday chalets and caravan and campsites, including the requirement that the site is sustainably located within or in close proximity to a settlement with good connections to the main highway network, public rights of way or cycleways, and is either served by public transport or within a safe ten minute walk of regular public transport services.
7. These policies are broadly consistent with paragraph 88 of the National Planning Policy Framework (the Framework) which supports a prosperous rural economy and sustainable growth of all types of businesses in rural areas, including through sustainable rural tourism and leisure developments which respect the character of the countryside.
8. The site is in a remote location broadly between the settlements of Hognaston to the north-west, Atlow to the west and Hulland Ward to the south-east. Other than a public house, churches and village halls there appear to be a very limited range of facilities in Hognaston and Atlow. Hulland Ward has a larger, but still restricted range of facilities.
9. Reference is made in the evidence to nearby bus stops on Turlowfields Lane which are served by buses providing access between Matlock and Ashbourne. However, the evidence before me indicates that the service is infrequent, only operating around four times a day. The appellant also refers to other bus routes which can be accessed from Gibfield Lane, but this would involve around a 2km walk from the site along lanes which do not have footways or lighting. Given this, the bus services would be unlikely to prove a more convenient option than the private car. In this respect, I note that 20 car parking spaces are proposed within the appeal site, which reinforces my view that visitors would be likely to generate regular, frequent trips by car to obtain access to the site and make use of facilities and services. This is the least sustainable travel option.
10. Both Hognaston and Atlow are around a 2km walk from the site via Turlowfields Lane which is devoid of segregated footways, street lighting and in places is relatively narrow with poor visibility. Hulland Ward is a similar distance from the site along Turlowfields Lane and Dog Lane. The latter does not have footways for much of its length, or lighting. Both roads are subject to the national speed limit. There are public rights of way in the area, such as that which runs through fields from Turlowfields Lane to Atlow to the north of the site, but it is unlikely that these routes would be appealing to many given the undulating topography of the area. In these circumstances, I consider that walking to these villages is unlikely to be an attractive proposition to many visitors, particularly in inclement weather or the hours of darkness. Moreover, given the limited range of facilities in these villages, it is likely that visitors would travel to larger settlements considerably further away, such as Ashbourne, where there are a greater extent of facilities.

11. Some may choose to cycle to these villages or tourist and recreational attractions in the area, such as Carsington Water, but it is likely that many would not. Therefore, the site does not have good connections to the main highway network or public rights of way/cycleways.
12. The appellant states that private vehicles are expected in countryside locations and further, that visitors will wish to drive to glamping sites given that most are in remote locations. While Framework paragraph 109 recognises that sustainable transport solutions will vary between urban and rural areas, it also sets out that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The site would be isolated from even the most basic of essential facilities and regular public transport options. While the Highway Authority did not raise an objection in terms of the on-site parking facilities or highway safety, it is the poor level of accessibility of the site that makes it an unsustainable location for the proposal.
13. For the above reasons, I conclude that the appeal site would not represent a suitable location for the proposal having regard to accessibility. Therefore, the proposal would be contrary to LP Policies S1, S4 and EC9, the aims of which are set out above.

Trees and hedgerows

14. Although they are not protected under preservation orders, the groups of trees and hedgerows within the site and along its boundaries nevertheless make a positive contribution to the sylvan character of the area and would provide a good level of screening of the proposed development. The proposal would be accessed via the existing gated entrance on Turlowfields Lane. The access track would be extended north and east through to the centre of the site, with a car park formed close to the western site boundary.
15. The appellant's tree works plan identifies a number of trees and hedgerows to be removed within the site, while those on the site boundaries would be retained, including the Category A tree on the north-east boundary of the site. Although a bell tent would be located within the root protection area of this tree, it would be unlikely to significantly affect the long term health of the tree given that it would be placed above ground.
16. The relatively small number of trees and hedgerows that would be lost form part of larger groups, the majority of which would be retained and unaffected by the proposals. The extent of tree cover along the site boundaries would continue to be extensive. The higher quality retained trees would be protected and the construction of the main built elements of the development would not require excavation or other works within the root protection areas of retained trees. Replacement planting within the site could mitigate the impacts arising from the loss of the trees and hedgerows and could have been secured by condition had I been minded to allow the appeal.
17. For the above reasons, I conclude that the proposal would not significantly harm trees and hedgerows. As such it would comply with LP saved Policy PD6, which seeks to enhance and expand the District's tree and woodland resource, and retain and integrate trees and hedgerows within development wherever appropriate. It would also accord with the Framework's aims to ensure developments contribute to and enhance the natural and local environment.

Other Matters

18. The appellant refers to an exemption certificate for five shepherds huts and unlimited tents on the site, but this would not appear to allow for the erection of more permanent structures or associated engineering works. Moreover, the evidence provided indicates the certificate can be withdrawn at any time and will expire in 2026. Therefore, any such temporary use of the site as a fallback position does not outweigh the harm arising from the proposal or the conflict with the development plan.
19. The appellant indicates that they will consider applying for planning permission to use the land as a gypsy and traveller site in the event the appeal is unsuccessful. In this regard, reference is made to an appeal decision at Aston-on-Trent, together with the requirement for a minimum of nine gypsy and traveller pitches in the District for the period 2013 to 2033, as set out in LP Policy HC6. However, there is no certainty that such an application would be permitted having regard to the considerations that are taken into account in determining such proposals, including the sustainability of the location, as set out in Policy HC6. This matter does not provide justification for the proposal.
20. Interested parties have raised other concerns over the proposal, including amongst other things its effects on the landscape and highway safety. As I am dismissing the appeal for other reasons there has been no need for me to consider these matters further.

Planning Balance and Conclusion

21. I find that the proposal would not be significantly harmful in respect of its effect on trees and hedgerows. However, this lack of harm is a neutral factor rather than a benefit of the scheme. The harm that I have identified relating to the accessibility of the site means that the proposal would be unsustainably located, which weighs significantly against it.
22. The proposal would offer potential social and economic benefits in terms of providing new holiday accommodation, local employment opportunities and visitor spending in the area which would support the rural economy. Given the scale of the development proposed I attach only positive moderate weight to these benefits, which would be outweighed by my findings as to the harm that would be caused and the conflict with the policies I have referred to.
23. The proposal does not accord with the development plan as a whole and there are no other considerations of sufficient weight that indicate that I should take a different decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR