

Appeal Decision

Site visit made on 4 June 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/K2420/W/24/3336777

Barrow Hill Quarry, Mill Lane, Earl Shilton LE9 7TR

- 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 Adam Taylor of A T Contracting and Plant Hire against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 23/00767/FUL.
 - The development proposed is the erection of 36 residential holiday lodges and a management building with associated vehicular accesses, parking, surface water balancing and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal scheme is a revised proposal following approval of planning permission ref 21/01390/FUL for 21 holiday lodges and associated infrastructure on the site, granted in April 2023. This extant scheme is therefore a material consideration, which I will turn to, as appropriate, throughout my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, in particular regard to the scale, layout and density of the development.

Reasons

4. The appeal site is located within the open countryside and is a former quarry. The quarry is vacant, yet undulating site levels remain therein. There are various trees within the site and there is dense vegetation to much of the site perimeter.
5. The Landscape and Visual Appraisal (LVA) dated November 2021¹, identifies that the site is within the National Character Area 94 Leicestershire Vales. The identified key characteristics of this Landscape Character Area² includes, but is not limited to, large scale, gently rolling arable and pasture farmland,

¹ As updated in the supplementary statement to LVA dated October 2023

² Set out in the Hinckley and Bosworth Landscape Character Assessment (HBBC), Sept 2017

Burbage Common and ancient woodland, and green wedges, providing separation between settlements and open views from the edges of settlements, due to relatively few trees in the landscape. Also, Barrow Hill Quarry and the adjacent lake are mentioned for their landscape and biodiversity interest in the Landscape Character Area.

6. The Hinckley and Bosworth Landscape Sensitivity Study³, notes the where the appeal site is situated, in Area 11: Earl Shilton East, the landscape is of low to medium sensitivity for small scale housing and commercial developments. Although, it provides guidelines for new development, including that it should consider the incorporation of screening to ensure any new development is well-integrated into the landscape. Also, it sets out that the pattern of hedgerows and hedgerow trees are to be retained with incorporation of further planting of trees and vegetation.
7. The previously approved scheme included the retention of dense planting to provide natural screening to most of the site boundaries. Furthermore, in maintaining the verdant character of the site, this would ensure the previously approved development assimilates well into the landscape, providing negligible change to wider landscape views.
8. Due to the elevated levels of the outer edges of the site, in particular, at the western end of the site, together with the open, lower, rolling fields around the site, I observed there are open views from surrounding public footpaths to the west and south across to the appeal site and its dense boundary vegetation. Thereby, in the short to medium distance, the existing dense vegetation and trees provide important landscape character features. Also, the existing landscaping would provide important screening for any proposed development within the site, as recognised when permission was granted for the extant scheme, which showed that a much greater depth and extent of existing vegetation would be retained to the site periphery.
9. The appeal proposal would deliver 15 additional holiday lodges compared to the previously approved scheme. The additional lodges would increase the density of the development from 7.6 lodges per hectare to 12.7 lodges per hectare, which is fairly significant increase. The number and location of the proposed lodges has been amended, and they would be more closely located to each other. Although, the footprint of the lodges would be the same and their height would be reduced from a maximum of 4.7m to 3.5m, compared to the approved scheme.
10. In increasing the number of lodges and overall density of the proposed development, the resultant position of the lodges would be closer to the site boundaries, particularly at the west, south, and south-east ends of the site. This would reduce the amount of existing vegetation and opportunities for new landscaping around these edges of the site. In addition, some of the proposed lodges would be situated on some more elevated parts of the site compared to the previous scheme.
11. Consequently, there would be much greater public visibility of the proposed holiday lodge development, compared to the extant scheme, particularly when viewed from the public footpaths to the west/north-west and south of

³ Hinckley and Bosworth Landscape Sensitivity Study (HBBC) Sept 2017.

the site. Furthermore, these footpaths are noted to be of medium value, with their sensitivity assessed as medium to high in the LVA. Also, part of public footpath T88/1 extends close and runs parallel to much of the north-west boundary of the site. Thereby, the protection of views across to the site from these public vantage points are important.

12. Despite the proposed reduced height of the lodges, their timber clad external walls and additional landscaping proposed as part of the scheme. Due to the increased density, together with the reduced distance separation between the lodges and the site boundaries and, significantly reduced perimeter landscaping, this would unacceptably increase the overall visibility of the development in the landscape. As a consequence, the development would diminish the verdant, rural character and appearance of the local area.
13. While there would remain a fair amount of open space within the site, much of this is likely to be as a consequence of the steep ground level incline within the central part of the site, and higher ground levels toward the northern and southern parts of the site, which potentially negates the ability to develop in such areas. I also appreciate that the separation distances proposed between the lodges would meet Caravan Club Site Rules, although this is required to avoid the spread of fire, and therefore would not justify the visual harm caused to the character and appearance of the surrounding area.
14. Notwithstanding that the Council do not have guidelines with regard to density levels for holiday lodge sites, this does not persuade me that the scheme would be acceptable, for the reasons set out above.
15. Having regard to the above, while the extant permission provides a reasonable 'fall-back' position and the principle of holiday lodge tourist accommodation is not disputed, I find the proposal would have an unacceptable impact on the character and appearance of the surrounding area, in particular regard to the overall scale, layout and density of the proposed development. Therefore, the proposal would conflict with Policy DM10 c) of the Hinckley & Bosworth Site Allocations and Development Management Policies Development Plan Document, July 2016, which sets out that development will be permitted provided, amongst other matters, that it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials, and architectural features.

Other Matters

16. The appellant considers that the appeal proposal would constitute a sustainable form of development in the context of the National Planning Policy Framework (the Framework). The additional lodges would increase the economic benefits associated with the holiday park, support tourism, and bring additional visitors to the area, thereby it would contribute to the local economy. Also, the proposal would utilise a former quarry site, remediating and bringing it back into beneficial use. Although, the extant consent would similarly achieve such. The access arrangements and highway improvements proposed would also not differ compared to the previous scheme. Therefore, these considerations would not be added benefits compared to the extant development and so do not positively weigh in favour of the harm I have found.

Conclusion

17. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.
18. Accordingly, the appeal is dismissed.

C Billings

INSPECTOR