



Appeal Decision

Site visit made on 6 September 2022

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6th February 2023

Appeal Ref: APP/P2935/W/22/3299391

Percy Wood Golf and Country Retreat, Chesterhill, Swarland, Morpeth, Northumberland, NE65 9BB

- 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 Harrison Leisure UK Ltd against the decision of Northumberland County Council.
 - The application Ref 19/01687/FUL, dated 18 September 2019, was refused by notice dated 29 March 2022.
 - The development proposed is change of use of land for the siting of up to 60 caravans, along with associated infrastructure and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Harrison Leisure UK Ltd against Northumberland County Council. That application is the subject of a separate Decision.

Preliminary Matters

3. In March 2022, after the planning application was determined, the Council adopted the Northumberland Local Plan 2016-2036 (the LP). Accordingly, the policies cited in the Council's decision notice have been superseded and they are not relevant to the appeal, which must be determined in accordance with the adopted development plan. Based on the evidence before me, the relevant LP policies for the appeal include STP1, QOP1, ENV1 and ENV3.
4. The LP was at an advanced stage of preparation when the application was determined and it had been adopted when the appeal was made. Both parties are aware of the adopted LP policies and they have been provided with the opportunity to comment on the implications to their cases through the appeal process. Therefore, I am satisfied that no party has been prejudiced by my determination of the appeal in accordance with the development plan.
5. The proposal falls within the 'zone of influence' for coastal sites designated as Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites. Accordingly, I have a duty to consider the implications of the proposal on the integrity of the designated sites. This is a matter I will return to later in my decision.
6. A draft planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 was submitted with the appeal but it was subsequently

replaced by a signed and dated Unilateral Undertaking (the UU). This provides for a financial contribution to mitigate the impact of the proposal on the designated sites. The Council has been provided with the opportunity to comment on the UU and, as it is complete, I have taken it into account.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

8. The Percy Wood Golf and Country Retreat (the PWGCR) comprises around 384 static caravans and an 18 hole golf course in a woodland and parkland setting at the edge of the rural village of Swarland. The appeal site, which lies between the golf course and the settlement, comprises around 2.5ha of open grassland, used as a golf driving range, with tree planting and the metal frame remains of the former driving range building. Access is from Leamington Lane via the internal roads and tracks that serve the holiday complex.
9. The PWGCR extends along much of the western edge of Swarland between Leamington Lane in the north and Springwood in the south. However, the densely developed static caravan park is not a prominent feature, being largely contained within and well-screened by the mature woodland that extends from the edge of the village along Leamington Lane. The golf course and the appeal site lie to the south of this woodland, with further mature woodland to the south and west. The managed grassland fairways and the driving range are interspersed with tree and shrub planting. Consequently, while the PWGCR covers a large area of land and it includes a large caravan park, the defining characteristics along the western edge of Swarland are the extensive mature woodlands and the open parkland landscape.
10. Swarland is a heavily wooded albeit relatively young settlement, having been developed originally in 1936 on open farmland as a philanthropic project by the Vyner family of Fountains Abbey and Studley Royal to help disadvantaged men and boys from deprived areas of Tyneside. The golf course and the driving range are of more recent origin, having been created in the 1990s. However, the aerial photographs and maps illustrate that they were developed on land that was historically open and at least some of the historic field boundaries appear to have been incorporated as landscape features in the golf course. While some of the early open enclosures have been planted to woodland, the layout of the leisure complex and the golf course respects the historic landscape character and field pattern. Irrespective of the age of the village and the golf course, and that neither settlement nor landscape are designated, they have well established, mature and locally distinctive character and appearance.
11. The proposal would include internal access roads and hardstanding to accommodate 60 static caravans and 120 vehicles, and cycle and bin stores. The caravans would be closely spaced and linearly arranged with parking for 2 vehicles to the side of each. The existing ditch along the eastern boundary would be widened and there would be new landscape planting.
12. While the proposal would be visually similar to the existing caravan park, in that it would be closely spaced rows of caravans, it would not be a natural extension to it. By virtue of its wide separation and the dense intervening

- woodland, the proposal would be a somewhat discrete development that would be physically and visually poorly related to the caravan park. It would not be assimilated into its surroundings by the existing caravans.
13. The proposal would be physically closer to the settlement than to the caravan park, particularly once the adjacent field has been developed for 9 dwellings (ref 17/00500/OUT). However, the ranks of caravans arranged around an internal access track would be markedly dissimilar to and out of character with the neighbouring residential built form of low density detached dwellings set in mature plots with boundary treatments. The proposal would be similarly visually poorly related to the adjacent open landscape and mature woodland. Consequently, the proposal would be an incongruous and discordant form of development that would not be sympathetic to the surrounding built environment or landscape setting. It would not add to the overall quality of the area and it would diminish the strong sense of place and local distinctiveness.
 14. There is no open access to the appeal site by way of public highway or public right of way (footpath) and the footpath along the western edge of the golf course does not afford close views towards the site. The proposal would be screened from long views in the wider landscape by the woodlands, trees and settlement. However, it would be visible in closer views from the settlement including Coast View, Springwood and The Old Tweedmill. While some of the existing views might be obscured once the intervening residential development is complete, these would be replaced by views of the proposal from the new residential development. The proposal would also be visible to users of the main track between the club house and the existing caravan site and from paths crossing the golf course.
 15. The landscape plan illustrates that the established planting along the western edge of the appeal site would be retained and bolstered by new understorey planting to screen and protect the proposal from the golf course. Taking into account the depth of the woodland screen and the fall of the land, the proposal would not be overly prominent or conspicuous from the majority of the golf course. Indeed, the plans suggest that the proposal would be better screened from the golf course than it would from the settlement. The western boundary treatment would be significantly more substantial than the eastern boundary with its relatively narrow linear band of evergreen planting set 3m from the top of the ditch bank and along part of the boundary only. The drainage plans suggest that the existing eastern boundary trees would need to be removed.
 16. In the absence of effective landscape screening along the entire eastern boundary, there would be unobstructed views of the overly close relationship between the proposal and the neighbouring residential development. Moreover, by virtue of the change in ground levels across the site, the caravans furthest from the settlement edge would be elevated several metres above the caravans closer to the eastern boundary, creating a somewhat solid visual expanse of rising caravans and a prominent and visually obtrusive form of development. The proposal would also be conspicuous and discordant overnight due to the extent and pattern of lighting from caravans and car headlights.
 17. The defining characteristic of the western edge of Swarland would no longer be the long-standing relatively tranquil open countryside, parkland and mature woodland. Instead, it would be a large and densely developed caravan park with up to 120 vehicles and associated paraphernalia. While caravans may be

mobile and temporary, the development would be permanent and it would permanently erode the strong established character at the edge of the settlement. Irrespective that the proposal would be screened from more distant views in the landscape, there would be significant adverse visual impacts in this location. Taking into account the scale, layout and design of the proposal, the change in levels across the site and its close proximity to the settlement, the harm would not be adequately mitigated by the incomplete and narrow band of planting along the eastern boundary. Moreover, as the layout could not demonstrably accommodate additional planting to adequately screen the proposal from the settlement, I am not satisfied that this is a matter that could be addressed by planning condition.

18. While the proposal would effectively extend caravan development across the entire western edge of Swarland, the greater part of the existing caravan park is screened from the settlement and from the appeal site. Therefore, as the existing caravans would not be seen in close juxtaposition with the proposal, there would not be significant cumulative visual impacts. Irrespective, the increase in the extent and scale of caravan development across the edge of the settlement would negatively impact the setting of the village.
19. Therefore, I conclude that the proposal would harm the character and appearance of the area including the landscape setting of Swarland. It would conflict with LP Policies STP1, QOP1, ENV1 and ENV3. These require, among other things, that proposals make a positive contribution to local character and distinctiveness, respecting and enhancing the natural, developed and historic environment, conserving and enhancing important elements of landscape character, and ensuring that new development on the edge of settlements does not harm landscape character and setting. It would also conflict with the design aims of the National Planning Policy Framework (the Framework) in relation to the creation of high quality and beautiful places that add to the overall quality of the area, that are sympathetic to local character and history including the surrounding built environment and landscape setting, and that establish or maintain a strong sense of place.

Other Considerations and Planning Balance

20. The LP provides support for development in the open countryside in certain circumstances including sustainable rural tourism and leisure developments. This is consistent with the policies in the Framework that support sustainable rural tourism and leisure developments which respect the character of the countryside. However, as the proposal would not be adequately screened and it would harm visual amenity, it would not be sustainable rural tourism.
21. The proposal would be located close to Swarland, but it would be a relatively long walk to the village via Leamington Lane including through unlit woodland and along a road with no street lighting or footway. There are limited services and facilities in the holiday park and Swarland, with the nearest supermarkets around 6km away. There is a bus stop in Swarland, but services are limited such that the appeal site is not readily accessible by sustainable transport modes. The location carries little weight in favour of the proposal. The acceptability of the drainage proposals and the absence of harm to the highway network and highway safety are neutral matters.
22. The amenity grass in the appeal site is a habitat of low biodiversity value, but higher value habitats in the wider area support protected and priority species.

The Council's ecological adviser is satisfied that mitigation for impacts on biodiversity could be secured by planning conditions and that protected species licences would be issued, and I see no reason to disagree. The landscape screen planting would provide habitat for wildlife, but the limited benefits would be offset by recreational disturbance, noise and light pollution. These matters carry negligible weight in favour of the proposal.

23. There would be limited short-term economic benefits during construction. The operation of the proposal could generate a significant number of overnight visits with associated financial benefits to the business and the wider economy, although there is little evidence it would make a significant contribution to the local rural economy. The evidence suggests that the proposal would either create none or 5 employment opportunities. These matters carry moderate weight in favour of the proposal.
24. The additional income would be used to subsidise the failing golf course, which is not well-used and it is not commercially viable in its own right. While it is already subsidized by the wider business, the support for an apparently increasingly unpopular leisure activity, when visitors to the park demand a greater choice of leisure activities, carries negligible positive weight.
25. The earlier withdrawn application (ref 17/00194/FUL) included reconfiguration of the golf course, up to 216 caravans, a leisure hub building to include shop, café, function room, children's play area, swimming pool, a separate golf building and access and landscaping. While I understand that it included the appeal site and it was recommended for approval, it does not appear directly comparable to the appeal scheme and it was not approved by the Council. It does not weigh in favour of the appeal.
26. The modest public benefits collectively carry moderate positive weight and they would not outweigh the significant harm and policy conflict that I have found.

Effects on European designated sites

27. The appeal site is within 10km of the Northumbrian Coast SPA and Ramsar site, designated for breeding, wintering and nationally important numbers of birds. It is roughly 7.9km from the Northumberland Marine SPA which supports an internationally important seabird assemblage that use the coastal waters for foraging and maintenance. The North Northumberland Dunes SAC is also within 10km, designated for coastal habitats. In the absence of mitigation, the proposal has the potential to result in likely significant effects on the features of interest of the European sites due to increased levels of recreational activity and disturbance to birds and habitats in the coastal zone.
28. Where proposals affect European sites and they require assessment for the purposes of the Habitats Regulations, permission may only be granted if it can be ascertained that the proposal would not affect the integrity of the designated site.
29. The UU would deliver a standard financial contribution to the Northumberland Coastal Mitigation Service (the CMS) to mitigate the recreational disturbance impacts on the European sites. The CMS is a developer-funded service that provides wardens to educate and advise recreational users as to how they can enjoy the coastal designated sites without disturbance to important wildlife. Natural England considers that the CMS, which is an agreed strategic solution,

is ecologically sound and that subject to appropriate mitigation being secured in accordance with the CMS, there would be no adverse impact to the interest features of the designated sites.

30. A class Habitats Regulations Assessment (HRA) has been agreed with Natural England for development that necessitates a contribution to the CMS. This has previously negated the need for individual HRA to be carried out. However, a Court of Justice of the European Union ruling (referred to as People Over Wind) has established that, in undertaking HRA, mitigation measures can only be taken into account as part of an appropriate assessment to determine whether a proposal will have an adverse effect on the integrity of the European site.
31. Therefore, irrespective that the evidence suggests that the mitigation by way of contribution to the CMS should enable the decision maker to conclude that there would be no adverse effect on site integrity, this is not a conclusion that can be reached without carrying out an appropriate assessment of the proposal in consultation with Natural England. However, although I have a statutory duty in this regard, as I have found the proposal is unacceptable for other substantive reasons, it is not necessary for me to consider this matter further.

Conclusion

32. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
33. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR