



Appeal Decision

Hearing held on 15 September 2021

Site visit made on 15 September 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State for Communities

Decision date: 1 November 2021

Appeal Ref: APP/M2325/W/21/3270115

Stanley Villa Farm Fishing and Camping, Back Lane, Weeton with Preese, Preston PR4 3HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Alex Young against the decision of Fylde Borough Council.
- The application Ref 20/0439, dated 21 June 2020, was refused by notice dated 7 October 2020.
- The application sought planning permission for *use of the land for camping, including mobile pod accommodation for use both associated with and un-associated with the use of the existing fishery; the general use of the facilities building for use associated with the camping and fishery uses, along with ancillary facilities including office building, mobile toilet, car parking and footpaths; formation of a new fishing lake* without complying with conditions attached to planning permission Ref APP/M2325/W/18/3197600, dated 4 April 2019.
- The conditions in dispute are Nos 2, 3 and 6 which state that:
 - (2) The use of the site for camping hereby approved shall be limited to the area annotated as camping pods as detailed on drawing number You/708/2178/01 Amendment B. Overnight stays shall only be undertaken within the 25 camping 'pods' within this area. No additional forms of camping in the form of tents, caravans, caravettes or any other form of motorhome will be allowed.
 - (3) No 'pods' or other building/structure on the site shall be occupied as a person's permanent, sole or main place of residence.
 - (6) The development hereby approved shall be managed in strict accordance with the Stanley Villa Farm Camping – Camping Management Plan of 19 March 2019 (CMP), or any revision of the CMP subsequently agreed in writing by the Local Planning Authority.
- The reasons given for the condition are:
 - (2) and (3) specify the approved plans and the area in which camping is permitted and preclude permanent occupation of the units.
 - (6) secures compliance with the submitted management plan and any revisions to this.

Decision

1. The appeal is allowed planning permission is granted for *use of the land for camping, including mobile pod accommodation for use both associated with and un-associated with the use of the existing fishery; the general use of the facilities building for use associated with the camping and fishery uses, along with ancillary facilities including office building, mobile toilet, car parking and footpaths; formation of a new fishing lake* at Stanley Villa Farm Fishing and Camping, Back Lane, Weeton with Preese, Preston, PR4 3HN in accordance with the application Ref 20/0439, dated 21 June 2020, without compliance with

condition numbers 2, 3 and 6 previously imposed on planning permission Ref 17/0572 dated 4 April 2019, but otherwise subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Alex Young against Fylde Borough Council. This application is the subject of a separate Decision.

Preliminary matters

3. Only conditions 2 and 6 are referenced on the application form. However, it was agreed by the main parties at the hearing that the application also relates to compliance with condition 3 and I have determined the appeal on this basis.
4. The extant permission was granted on appeal¹, so detailed reasons do not sit alongside the conditions. The reasons for conditions in the banner above reflect the explanation given by the Inspector in the appeal decision.
5. The appellant submitted a noise assessment during the appeal. The Council and interested parties have had the opportunity to review this and I am satisfied that no party would be prejudiced by my consideration of these documents.
6. The Council withdrew its objection during the appeal because it considered the noise assessment sufficient to demonstrate that the development would not be harmful. This was on the presumption that any permission would secure appropriate management of the site.
7. The National Planning Policy Framework (the 'Framework') was revised on the 20 July 2021, during the appeal period. Both parties had the opportunity to comment on the implications of this for their case at the hearing.
8. The Council provided an update on the partial review of the Fylde Local Plan to 2032 at the hearing. I am satisfied that the proposed changes do not have a bearing on the case.

Main issues

9. While the Council no longer contests the reasons for refusal of planning permission, there continue to be strongly held views expressed by local interested parties. In this context, the main issues are the effect of the proposal on:
 - the living conditions of neighbours with particular regard to noise and disturbance, and
 - the character of the area with regard to noise and disturbance.

Reasons

Site context

10. The appeal site is part of the Stanley Villa Farm fishery and camping site, located in the flat, open countryside of rural Fylde. The site was originally centred around recreational fishing, and has two lakes for this purpose, one of which has been recently constructed, but not been brought into use yet. There

¹ APP/M2325/W/18/3197600 (4 April 2019)

are 24 small wooden accommodation 'pods' on a grassed area towards the centre of the site between the two lakes, and a facilities block and small shop near the entrance.

11. The proposal is to add 10 bell tents in the field beyond the pods. A small car park would be created along the open side of the field for users of the tents. The other three sides of the site are largely enclosed by hedging and woodland. There is an access gate in the south east corner adjacent to the end of a large earth bund, which continues along the southern boundary of the pod field.
12. The nearest neighbours are the occupants of the Little Orchard Caravan Park approximately 100 metres south of the pods and proposed tent area. The caravan park has 57 pitches and caravans are permitted to be there on a seasonal basis. Beyond this are two houses occupied by the owners of Little Orchard Campsite and three holiday lets.

Noise

13. The area was quiet at the time of my site visit on a weekday evening outside of school holidays. Ambient noise from the distant M55 could be heard, in addition to sporadic noise from a power generator and a nearby clay pigeon shooting range.
14. However, I consider that a reasonable baseline noise level for the purpose of this appeal would be the school holiday periods when the wider site would be in fuller use. This is because the tents are largely intended for families and I would expect to be used most heavily during these periods. Baseline data have been presented for the summer of 2018² as an average hourly and daily noise level.
15. At the hearing, Mr Heyes presented indicative calculations for the noise levels experienced from occupants of the proposed tents at the nearby caravans, which I concur is the most sensitive receptor given the potential for seasonal occupation of these. I have reviewed the various concerns raised regarding the underlying dataset and subsequent calculations, but they have been prepared by a qualified noise specialist and overall, I am satisfied that they can be relied upon as a reasonable guideline.
16. Based on the figures provided the hourly average noise level generated by occupants of the tents at the nearest caravans would be approximately 41 dB and therefore well below the WHO daytime threshold of 55 dB. When the predicted average noise level from occupants of the tents is combined with the highest daytime noise levels from the 2018 dataset, I am satisfied that the cumulative average noise would still likely result in a level below the threshold.
17. The calculated average noise level from occupants of the tents would also remain below the proposed acceptable level of increase of 3 dB. Legitimate concerns were raised during the hearing regarding the applicability of this threshold given that the area can be quiet and change therefore more keenly felt. However, for the reasons above I am content that the increase in noise should be compared against that generated by the existing development rather than when the area is quietest. When viewed in the context of it being a slight increase and the cumulative noise remaining below the WHO threshold, I am

² Noise Impact Assessment report 20/0275/R1, Cole Jarman, December 2020

- satisfied that the increase in average noise from the occupants of 10 bell tents would not cause unacceptable harm at the nearest receptor.
18. However, the noise generated by the proposal and the wider site would include sporadic periods of impulsive, elevated noise that in character has the potential to be intrusive. The occupants of the nearby houses recorded that they have found such noise from the existing site to be highly intrusive, to the extent that they have avoided going outside in the evenings and at weekends, and not spent as much time in the garden. The owners of the caravan park have also reported that they have had to give refunds because of an unacceptable level of disturbance and that their business has been damaged.
19. The introduction of up to 10 additional 'families' to tents on the site is likely to lead to more noise of this character, in addition to potentially 24 'families' in the pods. I have reviewed concerns that the overall occupancy of the site could be roughly doubled. However, the Camping Management Plan contains guidance that 'normal occupancy' of the tents is defined as no more than 6 people. Although I consider full occupancy of each tent to be a worst case scenario, I have undertaken an assessment of the harm on this basis.
20. I acknowledge that tent walls are thin, but I would expect most occupants of the pods to also remain outside in the evenings and all would be subject to the same level of curfew. I would also expect the occupants to use the site in the same way, including spending time at the small, wooded area containing some chickens. I also see no reason to expect the demographic of those using the pods and tents to be significantly different. For these reasons, I do not consider that the occupants of tents are more likely to generate impulsive noise than those of pods. The issue is therefore that there could be up to 60 additional people generating sporadic noise over the same period as the occupants of the pods.
21. There is no quantitative methodology available to calculate the degree of harm from noise of this character, which to some extent is also dependent on the receiver. Paragraph 185 of the Framework states that decisions should avoid noise giving risk to significant adverse impacts on health and quality of life. This is defined through the significant observed adverse effect level (SOAEL) as defined in the Explanatory Note for the Noise Policy Statement for England³. Such a threshold can include having to keep windows closed most of the time and sleep disturbance.
22. While I do not doubt some distress has been caused to the neighbours by the introduction of the new noise source allowed by the extant permission, I do not find that it meets the high threshold required for significant adverse impacts on health and quality of life. It is also of relevance that the Council class the existing noise as an annoyance rather than a statutory nuisance. Given that the overall character and timing of the noise would remain the same as that already permitted through the extant permission, I am satisfied that the additional noise generated by occupancy of 10 additional tents would not cause this high threshold to be breached, even allowing that there may be more instances of sporadic noise

³ Noise Policy Statement for England (Department for Environment, Food and Rural Affairs, 2010)

23. Based on the testimony of the neighbours and with reference to the Planning Practice Guidance (PPG)⁴, I am however persuaded that the cumulative noise would be 'present and intrusive' and above the 'observed adverse effect level'. This is the level of noise exposure above which adverse effects on health and quality of life can be detected.
24. In this event, the PPG⁵ and paragraph 185 of the Framework require that noise is mitigated and reduced to a minimum. The PPG⁶ also recommends that the risk of conflict between new development and existing business should be addressed through suitable mitigation measures.

Mitigation measures

25. It is proposed to prevent anyone accessing the field and lake between the tent field and caravans other than people fishing, to optimise the distance between the source and noise sensitive receptors. I note the claims that such an arrangement has not always been adhered to in the past, but I observed that clear signage has been erected stating that the area is not for general access and a barrier fence has been erected to which only people fishing and management would have a key. I am satisfied that this is a reasonable and enforceable level of control to maximise the distance between the source and nearest receptor of noise.
26. A high earth bund has been constructed along the side of the southern boundary of the pod field to mitigate noise travelling towards the receptors. This would also intercept some noise from the tent field, in addition to the woodland to the south. I note concerns that two gaps have been left in the bund that could funnel noise towards the caravan site. Overall, I am content that the bund, which is immediately adjacent to the source of noise, would provide a degree of mitigation and it is reasonable that small gaps are retained for access.
27. I am satisfied that controls can be put in place via conditions on a planning permission to prevent music being played and that a limit on group sizes can be imposed to prevent parties or events. A curfew can also be imposed regarding timing of noisy activities. However, curtailing the noise generated by the occupants of the site from socialising and playing during the day would not be compatible with the proposed use and in this context, I do not consider it would be reasonable or indeed necessary to impose such a control.
28. I conclude that the additional noise from occupancy of the tents would not cause cumulative noise from the site to have a significant adverse impact on the health and quality of life of neighbours. Suitable mitigation measures would be employed to reduce the noise to a reasonable minimum in line with the requirements of paragraph 185 of the Framework and the PPG. For this reason, I also conclude that the site meets the requirements of Policy GD7 of the Fylde Council Local Plan (October 2018) (LP), which seeks to ensure that amenity will not be harmed by neighbouring uses, both existing and proposed.

⁴ Paragraph: 004 Reference ID: 30-004-20190722, Revision date: 22 07 2019

⁵ Paragraph: 005 Reference ID: 30-005-20190722, Revision date: 22 07 2019

⁶ Paragraph: 009 Reference ID: 30-009-20190722, Revision date: 22 07 2019

Character of the area

29. The PPG⁷ states that for an area to justify being protected for its tranquillity, it is likely to be relatively undisturbed by noise from human sources. The surrounding noisescape has been established through the extant permission on the campsite and through the caravan park, albeit the latter is quieter by virtue of their different business model. This is in addition to nearby clay pigeon shooting, a generator associated with nearby agricultural enterprise and the distant hum of the motorway.
30. While I do not doubt that the area can be tranquil at times, in general it is not undisturbed by noise from human sources. For this reason, and taking into account my findings above, I do not consider that occupation of an additional 10 bell tents would have a harmful effect on the character of the area and do not find conflict with Policy ENV1 of the LP, which protects landscape character, amenity and tranquillity.

Other matters

31. Reference has been made by interested parties to a separate application for a new facilities block. This was withdrawn and I have therefore not had regard to this in my reasoning, which is solely on the merits of the appeal before me. A new permanent facilities block would require a separate planning permission.
32. An objection to the scheme was raised by a local Councillor because of the risk to highway safety from additional traffic. There has been no objection from the highway authority and, given the very modest number of additional vehicles from occupation of 10 bell tents, I see no reason to come to a different conclusion or to impose conditions in this respect.
33. The neighbours have also brought concerns regarding unsatisfactory implementation of the previous permission to my attention, including construction of bunds, an elevated footway adjacent to their site and drainage problems. I have taken these into consideration when imposing conditions on the permission to ensure that the Council can still enforce these matters as needed.
34. I was also presented with numerous concerns regarding the operation of the site. A copy of a typical campsite licence was submitted at the hearing, and based on this, I am satisfied that the matters raised fall under the remit of the site licence and therefore beyond the scope of this appeal.
35. My attention has also been drawn to potential trespassing in the woodland between the sites. This, and matters to do with disposal of waste, are also matters for other regimes.
36. Interested parties have expressed a concern that the proposal goes beyond that allowed by the previous Inspector and is therefore is not valid. For the avoidance of doubt, Section 73 of the Act expressly allows a developer to apply to remove or vary a condition and in this case the proposals do not depart materially from the original description of development.

⁷ Paragraph: 008 Reference ID: 30-008-20190722, Revision date: 22 07 2019

Conditions

37. The PPG⁸ recommends that the grant of permission under section 73 of the Act should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permission that continue to have effect. New conditions can be imposed provided they do not materially alter the development that was subject to the original permission and must be conditions that could have been imposed on the earlier permission.
38. There were 13 conditions on the original permission. 16 conditions with several sub-sections were proposed by the Council for the current appeal and these were discussed in detail at the hearing. The final conditions are based on these discussions, with minor changes where necessary for clarity.
39. Condition 1 references the plans and is required in the interests of certainty. I have removed reference to the original planning statement because this is no longer required. I have also removed reference to the camping management plan because this is secured by condition 6. I have added reference to the new plans annotating the tent area and removed the superseded layout plan. I have included the part of condition 1b relating to the layout of any temporary and ancillary facilities buildings. I have not included proposed conditions 1a and 1c as they relate to appearance of the tents and any temporary facilities buildings, which I do not consider necessary.
40. Condition 2 is necessary to control the location of camping on the site. I have not included part of proposed condition 2a relating to occupancy figures because I consider it more appropriate to secure this via the camping management plan, which will allow a degree of flexibility. I have however included condition 2a so far as it controls the number and size of tents.
41. Condition 3 prevents anybody using the site as their main residence because this would constitute a different use of the land.
42. Condition 4 is retained from the original permission. I have amended the wording because the fishing lake has been constructed and a landscaping scheme submitted. The condition secures the agreed scheme, which is yet to be completed. I have combined this with proposed condition 4a relating to the bund between the tent field and the caravan park. The bund constructed is longer and lower than that originally proposed, and this condition is therefore required to regularise this and secure the planting scheme.
43. I have retained condition 5 of the original permission to explicitly withhold consent for the 5 metre wide bund along the southern boundary, but in agreement with both parties have removed the section relating to construction of the lake, which has been completed.
44. Condition 6 secures compliance with a camping management plan (CMP). This is required to provide a framework for management of number of occupants at the site, activities, and type and timing of the noise generated. I have not included proposed condition 6a because the requirements are secured via the CMP. At the hearing it was agreed that the date and/or version must be clearly shown on the front of the CMP, and the definition of 'event' and guidelines regarding occupancy of the tents agreed.

⁸ Paragraph: 040 Reference ID: 21a-040-20190723, Revision date: 23 07 2019

- 45. Condition 7 and 8, which control access and use of the fishing lake, are retained. These ensure that the lake can only be used for fishing and public access restricted to prevent the source of noise moving closer to the receptors. The wording of condition 8 has been slightly amended to also allow access for management of the area.
- 46. I have not retained condition 9 of the original permission because it relates to excavation of the lake, which has been completed. The Council confirmed that conditions 11 and 12 have been discharged, so these are also not included.
- 47. The drainage management scheme originally required has been submitted. I have retained the requirement to meet this scheme in condition 9. Condition 10 is also necessary to meet the drainage requirements and to prevent flooding.
- 48. Condition 11 is necessary to reduce the visual impact of the development because of a reduction of natural screening during the summer months.
- 49. I have not included proposed conditions 15 and 16 to prevent organised events and amplified music because these requirements are secured as part of the CMP.

Conclusion

- 50. The additional average noise generated by occupants of the tents would not be harmful to the living conditions of neighbours and would not harm the character of the area. However, the additional occupancy would add to the observed adverse effects on neighbours from sporadic noise. This would not be to the extent that the SOAEL would be exceeded and mitigation measures to counter the adverse effects are proposed in line with national policy and guidance. For this reason, I have not found conflict with policies of the local development plan from the proposal that protect the amenity of neighbours.
- 51. The appeal should therefore be allowed.

B Davies

INSPECTOR

Schedule of Conditions

1. This consent relates to the following plans:
 - Site plan YOU/708/2766/01 Amendment A (15 June 2020)
 - Location plan YOU/708/2766/02 Amendment A (15 June 2020)
 - Site plan You/708/2178/01 Amendment B (June 2017)
 - Public access restriction YOU/708/2178/01 Amendment C (June 2017)
 - Cross Section Information Elevations of Existing Pods YOU/708/2178/03 (June 2017)
 - Site Plan YOU/708/2730/01 Amendment G (16 July 2019)

- 1b) Prior to the commencement of any development hereby approved a site layout plan illustrating the location of the temporary facilities buildings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

2. The use of the site for camping hereby approved shall be limited to the areas annotated as camping pods and bell tents as detailed on drawing numbers You/708/2766/01 Amendment A You/708/2766/02. Overnight stays shall only be undertaken within the 25 camping 'pods' and 10 bell tents within these areas. No additional forms of camping in the form of caravans, caravettes or any other form of motorhome will be allowed.

2a) The number of tents on site at any time shall not exceed 10 bell tents each of up to 5 metres in diameter.

3. No 'pods', tents or other building/structure on the site shall be occupied as a person's permanent, sole or main place of residence.

4. Within the first planting season following the granting of this planning permission, the approved landscaping detail on reference YOU/708/2730/01 Amendment G (16 July 2019) shall be undertaken. The planting scheme shall be maintained in accordance with good arboricultural practice as set out in BS2248 and BS5837 for a period of not less than the 10 years following its planting, with any specimens that fail during that period replanted during the first available planting season.

5. Notwithstanding the details of the approved drawings, this approval notice does not grant consent for the 5 metre wide bund located to the southern boundary of the site as detailed on drawing number You/708/2178/01 Amendment B.

6. The development hereby approved shall be managed in strict accordance with the submitted Stanley Villa Farm Camping - Camping Management Plan of 15 September 2021 (CMP), or any revision of the CMP subsequently agreed in writing by the Local Planning Authority

7. Notwithstanding the approved drawings or provisions of the General Permitted Development Order 2015, the lake hereby approved shall be used as a fishing lake only.

8. There shall be no access to the land located south of the camping pods and hatched brown on drawing titled 'Public Access Restriction' You/708/2178/01 Amendment C, other than for the purposes of fishing, maintenance and ordinary management.
9. The sustainable drainage system shall be managed and maintained in accordance with the approved details in the Management and Maintenance Plan previously submitted to and approved in writing by the Local Planning Authority.
10. All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.
11. The tenting areas hereby approved shall only be utilised for the siting and occupation of tents during the months of March to the first Sunday in November in any year, with all tents and associated temporary facilities removed from the site outside of those months.

Appearances:

FOR THE APPELLANT:

Alex Young, Appellant
Colin Bradley, Owner
Martin Carter, Barrister
Gary Hoerty, Agent
Fiona Patterson, Agent
Matthew Heyes, Noise consultant

FOR THE LOCAL PLANNING AUTHORITY:

Mark Evans, Head of Planning, Fylde Council
Ruth Thow, Planning officer, Fylde Council

INTERESTED PARTIES:

Councillor Linda Nulty, Fylde Council
Jonathan Johnson, Kirbys Farm Back Lane, Weeton
Katarzyna Kuczyńska, Kirbys Farm Back Lane, Weeton
Dr Richard Johnson and Linda Johnson, Sharrocks Barn, Back Lane, Weeton

Documents submitted at the hearing:

- Stanley Villa Farm Camping & Fishing Camping Management Plan, 15 September 2021
- Signed Statement of Common Ground between Mr Alexander Young and Fylde Borough Council (signed by both on 15 September 2021)
- Example of a licence to use land as a site for moveable dwellings (tents) under the Public Health Act 1936
- Partial Review of the Fylde Local Plan to 2032, Schedule of Revisions (March 2020)
- Partial Review of the Fylde Local Plan to 2032, Draft Schedule of Proposed Main Modifications for Consultation (July 2021)