



Appeal Decision

Site visit made on 28 November 2011

by Robin Brooks BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 December 2011

Appeal Ref: APP/M0933/A/11/2160453

Priory View Camping and Caravanning Club Certificated Site, Sand Hall, Ulverston, Cumbria LA12 9EQ

- 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 Eddie McCann against the decision of South Lakeland District Council.
 - The application Ref SL/2011/0269, dated 25 March 2011, was refused by notice dated 7 July 2011.
 - The development proposed is erection of a portable shower cabin (grey water only).
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Decision

1. The appeal is allowed and planning permission is granted for erection of a portable shower cabin (grey water only) at Priory View Camping and Caravanning Club Certificated Site, Sand Hall, Ulverston, Cumbria LA12 9EQ in accordance with the terms of the application, Ref SL/2011/0269, dated 25 March 2011, subject to the condition that the building shall be removed and the land restored to its former condition on or before the expiry of a period of five years from the date of this permission.

Procedural Matters

2. As the shower cabin has been installed I deal with the appeal on that basis.

Planning Policy Context and Main Issues

3. Policy S2 of the South Lakeland Local Plan sets out criteria against which proposals for new development will be judged, including respect for local character, attention to impact on views and relationship with existing buildings. Policies CS8.2 and CS8.10 of the Council's Core Strategy Development Plan Document are couched in similar terms; development should respect local distinctiveness and settlement character and maintain or enhance the quality of the landscape.
4. Bearing in mind the aims of these policies, the determining issues in the appeal are:
 - (i) whether the shower cabin unacceptably harms the character and appearance of the surrounding area; and
 - (ii) whether use of it would result in intensification of activity on the camp site that would cause unacceptable problems of highway safety and disturbance to local residents.

Reasons

Character and appearance

5. The cabin stands on the western edge of the camp site, close to small buildings that house an office, two showers and toilets, and backing onto a builder's yard in which there are further buildings and some stored caravans and materials. Visually it appears as part of this larger group whether seen from within the camp site or from the public footpath just outside its boundary fence to the east. Despite its utilitarian appearance it does not appear unduly intrusive or incongruous; it is concealed from view from the highway to the west by other buildings and fences; and it cannot be readily seen from any publicly accessible viewpoints close by, other than the public footpath. A belt of mature trees effectively conceals the building from a terrace of houses to the north. I conclude on the first main issue that the shower cabin does not unacceptably harm the character and appearance of the surrounding area. It would thus not conflict with the aims of the local planning policies referred to above.

Intensification of activity

6. The camp site is a Certificated Site under the Caravan Sites and Control of Development Act 1960 and authorised by the Camping and Caravanning Club to accommodate five caravans plus tents, and capable under permitted development regulations of being used for rallies for up to 28 days per year. There is no evidence that erection of the shower cabin is linked to any intention to increase the use of the site. It appears to be intended to improve the service offered to campers who come on the present basis rather than to attract additional visitors; and its size seems to be a reflection of a fortuitous purchase of a prefabricated unit.
7. Even if there were to be some increase in use of the site this would not, in my opinion, cause any significant problems of highway safety or disturbance to residents. Although the access road is narrow, and has a number of sharp bends, its limitations must be so clearly evident to anyone using it that traffic speeds, and associated risks of accidents, are likely to be very low. The terrace of houses to the north is separated from the road by lengthy back gardens and equally well separated from the site itself, with an intervening belt of sizeable trees. Accordingly, and although there have been some complaints of noise from the site, if there was any slight increase in activity on the site directly related to the shower cabin, I would not anticipate that it would cause significant disturbance.
8. I conclude on the second main issue that use of the shower cabin would not result in intensification of activity on the site that would cause unacceptable problems of highway safety and disturbance to local residents. In allowing the appeal I impose the Council's suggested condition limiting the duration of the planning permission to five years as it is appropriate that the condition of the prefabricated building be reviewed at that time to ensure that it does not become dilapidated and unattractive. I do not apply the suggested condition requiring tree and shrub planting along the eastern boundary of the site. Given what I say above about the cabin being only a small additional part of a sizeable group of existing buildings, such a requirement is neither reasonable nor necessary.

9. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed.

Robin Brooks

INSPECTOR



Planning Appeal Written Statement

following South Lakeland District Councils refusal
of the recent application to erect a portable shower cabin (retrospective)

UK PLANNING APPEALS
WINNING SINCE 1989



1.0 Introduction

2.0 The planning application

3.0 The Application process

4.0 The Appeal

1.0 Introduction

- 1.1 UK Planning Appeals have been commissioned by the applicant Mr E McCann to submit an Appeal on his behalf following South Lakeland District Councils refusal of the recent application to erect a portable shower cabin (retrospective)
- 1.2 The Agent for the application was Mr W Woodhouse of 12 The Gardens, Hawcoat, Dane Ghyll Park, Barrow in Furness, Cumbria LA14 4RE. The application address is Priory View Camping and Caravan Club, Sandhall, Ulveston, LA12 9EQ.
- 1.3 The Application was registered on 28 March 2011 and the reference was SL/2011/0269. The application was refused on 7 July 2011 and the Reasons for Refusal were as follows -

Reason for Refusal No: 1

The portable shower cabin is of a design which is not in keeping with the character of this rural location and is detrimental to the appearance of the local area. As such it is contrary to saved Policy S2 of the South Lakeland Local Plan and Policies CS 8.2 and CS 8.10 of the adopted South Lakeland Core Strategy.

Reason for Refusal No: 2

This development is likely to result in an intensification of use of the site, which would be detrimental to the amenities of the neighbouring properties and users of the narrow access road.

2.0 The Planning Application

2.1 The following plans and information accompanied the application.

2.1.1 Site location plan 1:1250

2.1.2 Plan view including north, south and east elevation

2.1.3 West elevation

2.1.4 Design and Access Statement

3.0 The Application process

- 3.1 The Case Officers Report describes the site as a piece of land adjacent to a building yard at Sandhall to the south of Ulveston. The road that accesses the site also serves a terrace of eight dwellings immediately to the north. The site is certified by the Camping and Caravanning Club and because of the limited scale of its use it does not require planning permission. There are trees along the boundary with the nearest residential property and there is an existing toilet block on the site, but it only contains one shower.
- 3.2 Retrospective planning consent was sought for the siting of a shower cabin towards the north of the site 23 metres from the boundary with the nearest residential property. The structure is 6.5 metres by 3 metres in plan and has a height of 3.1 metres. The cabin only contains 6 individual shower cubicles and has a blue finish.
- 3.3 The Case Officer confirmed the following policy issues apply to this application.
 - 3.3.1 Policy CS8.2 Protection and enhancement of landscape and settlement character.

Proposals for development should be informed by, and be sympathetic to, the distinctive character landscape types identified in the:

- Cumbria Landscape Character Guidance and Toolkit
- Historic Landscape Character Assessment
- The Arnside and Silverdale AONB Landscape and Seascape Assessment
- Features identified in relevant settlement studies and local evidence
- The Arnside and Silverdale AONB Management Plan Development proposals should demonstrate that their location,

scale, design and materials will protect, conserve and, where possible, enhance:

- The special qualities of the environment associated with the nationally designated areas of the National Parks and Arnsdale and Silverdale AONB including their settings;

- The special qualities and local distinctiveness of the area;

- Distinctive settlement character;

- The pattern of distinctive features such as hedges, walls, traditional buildings, woodlands, hay meadows, wetlands, valleys, fells and rivers, and their function as ecological corridors for wildlife;

- The setting of, and views into and from the AONB, the National Parks, conservation areas and individual built/manmade features that contribute to landscape and settlement character such as St Anthony's Tower, Kendal Castle and Devil's Bridge in Kirkby Lonsdale. Land will be identified in the Allocations of Land DPD as forming a green gap where:

- If developed it would cause or add to the risk of future coalescence of two or more individual settlements between which it is important to retain a distinction.

Green Gaps should:

- Contribute to maintaining a settlement's identity, landscape setting and character;

- Comprise predominantly open land maintaining an 'open' aspect;

- Where possible afford recreational and biodiversity opportunities.

Development will be supported within green gaps where it is essential for the needs of agriculture, forestry, and local community infrastructure and where it cannot be located elsewhere.

3.3.2 Policy CS8.10 Design

The siting, design, scale and materials of all development should be of a character which maintains or enhances the quality of the landscape or townscape and, where appropriate, should be in keeping with local vernacular tradition. Where necessary, the Council will publish planning and design guidance dealing with particular sites or types of development. Designs that support and enhance local distinctiveness will be encouraged. New developments should protect and enhance key local views and features / characteristics of local importance and incorporate layouts that reinforce specific local distinctiveness.

3.3.3 Saved Policies of South Lakeland Plan

Policy S2 states that design should take account of existing distinctive local character. This should not exclude good local contemporary architecture. Attention should be paid to public views onto, over or out of the site. Views should not be significantly harmed and opportunities should be taken to enhance them. The design and materials of new buildings should relate to those around them and be well proportioned with appropriate architectural detail and decoration.

3.4 The Case Officer assessed the case against the Councils policies and confirmed the following -

The main concerns that have been raised relate to the scale and use of the site. It is a certified site by the Caravanning and Camping Club and as such five caravans are permitted without the need for planning permission. Additionally, under permitted development regulations, the site can also be used for up to 28 days in a year for camping and caravan rallies can also be held by exempted organisations.

The need for further showers on the site has also been questioned given that the site is supposed to be small in scale, and there is concern that if consent is granted for these additional facilities, it could result in an intensification of the use, with associated increase in activity and vehicular movements to and from the site. The proposal would provide a total of 7 shower cubicles to serve the site. Given the current lawful use of the site this does



Fig 3.1 Satellite image of the site

not seem excessive; however, any further increase in facilities would likely to be resisted.

The building itself is relatively well screened from neighbouring properties and the surrounding area, and given the scale of the building, it would be difficult to argue that development has an unreasonable adverse impact. However, the prefabricated nature of the building is such that a temporary consent would be appropriate in this case.

- 3.5 The Case Officer confirmed that at the time of writing his report no written response had been received from the Environmental Protection Group and subject to no adverse comment being received from them it is recommended that delegated authority be given to the interim Director CID to grant planning permission subject to a temporary period of 3 years.
- 3.6 The Case Officers Report confirmed a recommendation to grant consent with the following condition -

Condition (1)

This permission shall be limited to a time period of FIVE YEARS from the date hereof. At or before the expiration of the period specified in this Condition, the land shall be restored to its former condition, unless the further written permission of the Local Planning Authority has been obtained before that date.

Reason (1)

The building is constructed of materials of a temporary nature, which are likely to deteriorate and become unsightly and thereby cause the building to become injurious to the appearance of the area.

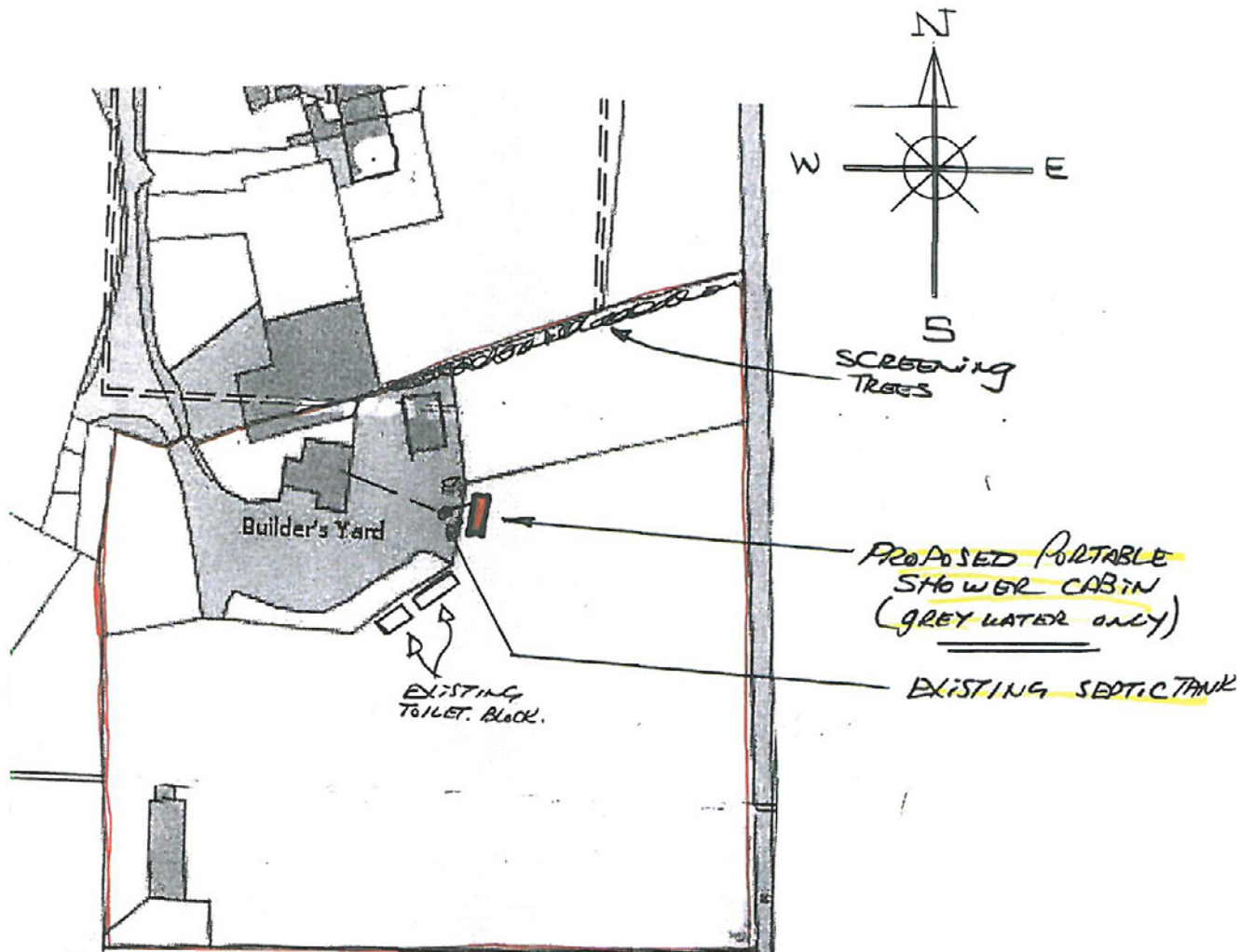


Fig 3.2 Site Location Plan

3.7 The reason for granting planning permission was confirmed as follows:

The proposed portable shower cabin is considered acceptable in terms of size, siting and design and will not adversely affect the character of the area or the amenities of the neighbouring properties. As such the proposal is in accordance with material considerations set out in the Planning System: General Principles and local policies as set out in Policies CS8.2 and CS8.10 of the adopted South Lakeland Core Strategy.

3.0 The Appeal

- 4.1 As noted in the Design & Access Statement, the Appeal site has a small existing toilet block, which contains one shower. At the height of the summer season in particular the site can be full and the lack of shower facilities can pose a problem. To respond to this the owner of the site purchased a custom built cabin which contained six shower cubicles with no other sanitary facilities.
- 4.2 The unit was sited behind an existing group of 10 metre high trees to the west of the site and the shower cabin has no effect visually on the surrounding area. The shower cabin drains into an existing septic tank facility.
- 4.3 As can clearly be seen the Case Officer concluded, after looking at the application in relation to the relevant planning policies that permission should be granted for a temporary period.

The reason for granting consent stated that the portable shower cabin was considered acceptable in terms of its size, siting and design. It would not affect the character of the area or the amenities of the neighbouring properties.

- 4.4 The Application proposal was in accordance with material considerations set out in the Planning System: General Principles and local policies as set out in Policies CS8.2 and CS 8.10 of the adopted South Lakeland Core Strategy.
- 4.5 The Council went against the Case Officers Recommendation and Refused the application on the basis that the portable shower cabin was of a design that is not in keeping with the character of this rural location and would be detrimental to the appearance of the local area.

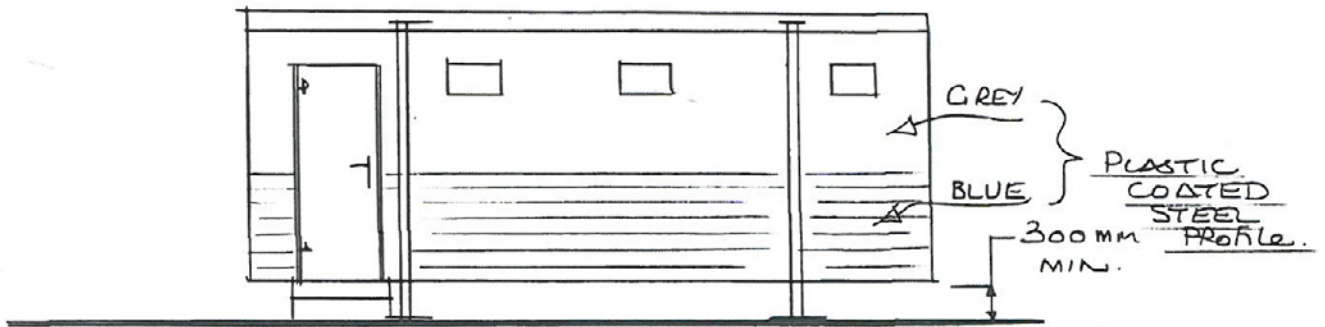


Fig 3.3 East Elevation

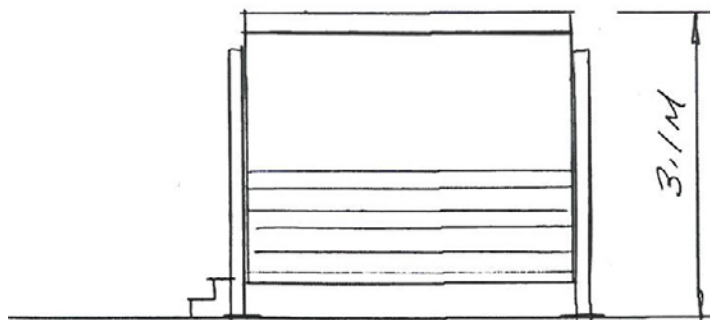


Fig 3.4 North Elevation

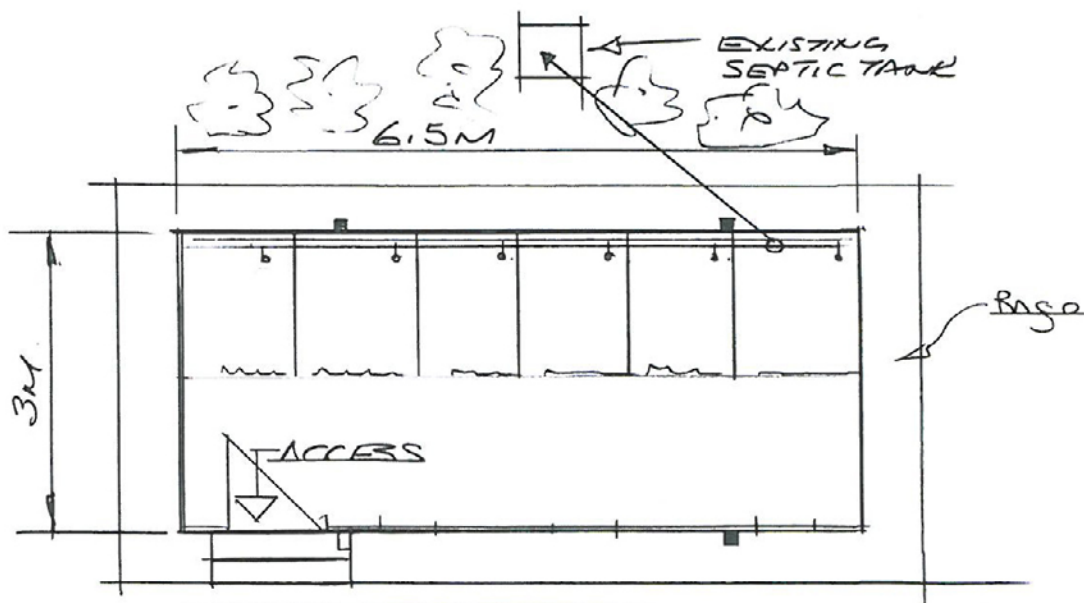


Fig 3.5 Plan

In addition they stated that if permitted, the development would be likely to result in an intensification of use of the site, which would be detrimental to the amenities of the neighbouring properties and users of the narrow access road.

- 4.6 The facility has been provided by the owner of the site to give a better service to the campers and caravaners that use the site. It is not intended to increase numbers which in any event tend to be seasonal only and have never caused any issues on the site or the road which serves a number of houses and a builders yard as well as the site!
- 4.7 As the Case Officer concluded there is no reason why consent should not be granted and we would ask the Inspector to consider the case and follow the original recommendation and uphold the Appeal and grant consent.

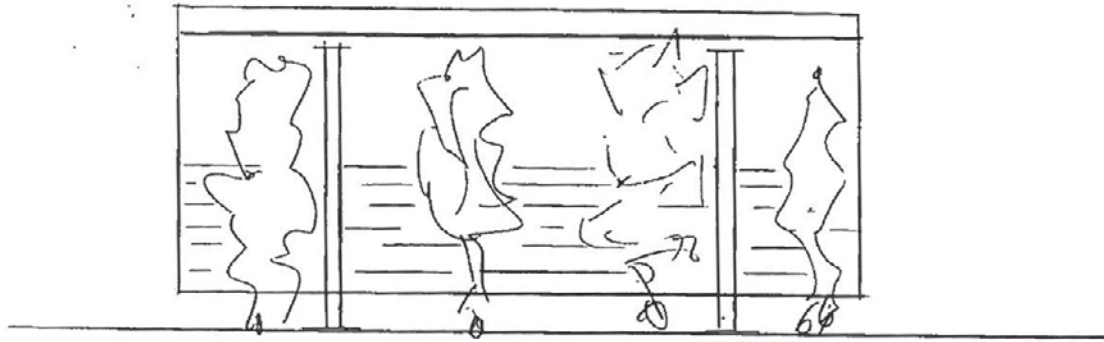


Fig 3.6 West Elevation

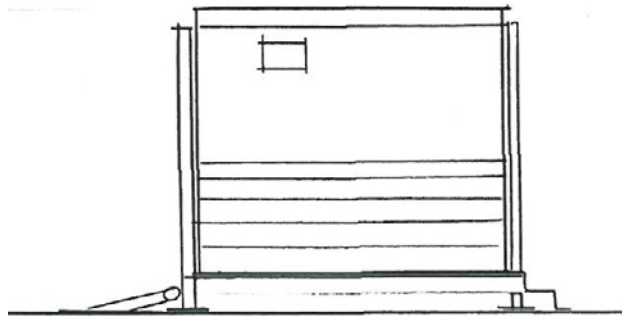


Fig 3.6 South Elevation