

APPENDIX 1
6.500.133.C.FUL
Planning Inspectors Decision Notice 6.500.133.PA



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Chartered Surveyors
72/75 Marylebone High Street
LONDON
W1M 4AJ

Your Ref:
IRT/CS/48077

Our Ref:
T/APP/A2715/A794/233451/P2

Date:

HARROGATE B DEPARTMENT OF 1994
12 AUG 1994

Dear Sir

TOWN AND COUNTRY PLANWING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY HARPER BROTHERS
APPLICATION NO: 6.500.133.PA

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Harrogate Borough Council to refuse planning permission in respect of an application for the siting of 60 static holiday caravans on part OS 1800 and the siting of 90 static holiday caravans on part OS 2153, to be occupied in each case between 1 March and 31 October in each year, both sites adjoining The Lido Caravan Park, Wetherby Road, Knaresborough. I held a local inquiry into the appeal on 28 July 1994 and inspected the site and the surrounding area on 29 July 1994. At the inquiry, an application was made by the Harrogate Borough Council for an award of costs against your clients. This is the subject of a separate letter.

2. At the opening of the inquiry, the Council confirmed that Refusal Reason No 5 relating to the effect of the proposal upon users of Bridleway No 10 had been withdrawn. The caravan park lies on the south east edge of Knaresborough and OS 1800 is located on its north side between the park and the town and within the Knaresborough Conservation Area (formerly the Abbey Road Conservation Area) and the Nidd Gorge Special Landscape Area. I shall refer to this as site A and the proposed extension into part OS 2153 as site B. This site lies on the south side of the park and is part of the open countryside between it and the Harrogate-Knaresborough southern bypass. Whilst the caravans would only be occupied for part of the year, they would remain on site for the whole year.

3. From the evidence given at the inquiry and from the written representations and from my inspection of the site and the surrounding area, I consider the main issues in this appeal to be the effect of these proposals firstly, upon the character and appearance of the area, having regard to prevailing planning policies for the location of caravan sites and the safeguarding of designated areas, and secondly, the implications for pedestrian safety on Wetherby Road resulting from increased use of the narrow footway on Grimbald Bridge.

4. The caravan park dates from 1922, although planning permission was only granted following the Caravan Sites and Control of Development Act 1960. However, not all of the park has planning permission and some parts have only the benefit of a Lawful Use Certificate (LUC). Whilst there appear to be discrepancies between the planning status and the Site Licence, the Council do not dispute the current use of any part of the caravan park itself nor do they criticize the way in which the site is run. The Council's case is that the scheme should be determined in accordance with the development plan and refused because it does not meet the objectives therein whilst your clients' case is that the number of pitches permitted by the Site Licences has been reduced following the compulsory acquisition of part of the site for the construction of the southern bypass and because static caravans have considerably increased in size.

5. The policy framework comprises the North Yorkshire County Structure Plan Alteration No 2 1989 and the Harrogate and Knaresborough Local Plan 1992. Structure Plan Policy R10 states that holiday caravan development will be permitted only where the local environment can absorb such development and that sites should be well screened, particularly from roads and elevated viewpoints. In addition, Policy R11 states that there will be a presumption in favour of touring caravans and tents rather than static caravans. Local Plan Policies TR5 and TR6 have a similar thrust and Policy CCl indicates that long term protection will be given to Special Landscape Areas whilst Policy TC2 states that the Council will seek to preserve and enhance the character of Conservation Areas. These Plans are up to date and consistent with the guidance in Planning Policy Guidance Notes and I therefore give substantial weight to the objective of landscape protection.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and I have also had regard to this duty in considering this appeal. Site A was formerly within the Abbey Road Conservation Area but this has recently been incorporated within the Knaresborough Conservation Area which includes the town centre and a considerable length of the River Nidd and the gorge through which it flows up to Wetherby Road. It therefore has a mixed character. The Conservation Area boundary has not changed in so far as it relates to your clients' land and although a significant area is included, only a small part of that land is currently used for the siting of static holiday caravans.

7. Site A is a paddock extending to about 0.87 ha. It is enclosed by indigenous hedges to the south east, where it abuts existing static caravans, and to the north east, where it abuts Wetherby Road. The site offices abut the south west boundary, whilst the north west boundary comprises a conifer hedge. This site has been used by exempted organisations for caravan rallies of up to 28 days in any one year since 1989.

8. Because the Special Landscape Area is relatively narrow at this point, site A forms a significant part of it and the purpose of designation is to protect the landscape setting of Knaresborough. The attractiveness of the river and gorge and its amenity value to residents and visitors alike is not in dispute and for the majority of the year this site is open and constitutes part of this landscape setting to the south of the River. Whilst the Conservation Area also includes land to the north of the river, this is also a narrow tract and although containing some buildings, it still has a rural appearance.

9. This proposal is for the siting of up to 60 static units throughout the whole year. Whilst they would be screened from the higher land to the north of the river by the high conifer screen, they would be visible from Wetherby Road and from the first floor windows of the houses opposite. These numbers would be significantly greater than those currently within the Conservation Area and the Special Landscape Area and, in my view, by their physical presence they would change the rural appearance of this area and be harmful to this important landscape setting for the town. Whilst you argued that the basis of the rallies was that the Council did not object, I share their view that consultation procedures in such short term permitted development cases differ significantly from the consideration of a permanent proposal on its planning merits.

10. Turning to site B, this is part of a grass field with a north facing slope. Caravans would be visible from Bridleway No 10 and Public Footpath No 12, as well as from public open space to the north of the river. Those on the upper slope close to the southern boundary would also be visible from the bypass and in more distant views from Thistle Hill. In my view, they would be seen as an extension of the caravan park into the attractive open countryside to the south. Although the existing park is prominent in views from surrounding roads and public vantage points, particularly since the opening of the bypass, I am not persuaded that this is sufficient reason to permit further intrusive and harmful proposals.

11. Whilst about 2.4 ha (6 acres) had been lost to the bypass, that land had only the benefit of a LUC for touring caravans and tents during March to October since a planning application for such use had been refused and the subsequent appeal dismissed. This would not therefore be a like for like replacement since the individual units would be much larger and remain throughout year so that the visual intrusion would also be much greater. You say that the capacity of the static area is about 400 units whereas the Site Licence permits 530 units. However planning considerations are based on different criteria, amongst which visual impact is very important, and permission is for a specific area of land. If it is not possible to station all the units in the Site Licence because of the increasing size of individual units, I do not consider this to be a good argument for extending the site area. Planning permission is the primary requirement before a Site Licence can be issued rather than being secondary to it.

12. You submitted no evidence to show how this proposal would accord with development plan policies, which apply equally to new caravan site proposals and to extensions to existing sites, nor why the presumption in favour of touring rather than static units should be overridden, apart from the likely reduction in traffic from use of static units. However, the Council did not object specifically to vehicle generation but only pedestrian generation. You relied on the established use of the site but there is no lawful established use for either touring or static caravans on site A or B and the previous use of site A is only that limited use permitted by exempted organisations. In my view, neither site is well screened as required by Policy R10 and although site A has more screening, the conifer hedge has an inappropriate suburban appearance.

13. Turning to the second main issue, the Council accepted that visibility was adequate at the access into the site and that whilst there was some interference with the free flow of traffic caused by right turning movements into the site, the main concern of the Highway Engineer was the inadequacy of the footway at Grimbald Bridge. This is only about 0.5m wide for a distance of over 30m and any increase in the number of caravans at the site could result in an increase in the number of pedestrians using this footway to reach the town and be hazardous to pedestrian safety. However, whilst traffic flows on Wetherby Road have increased considerably since the opening of the bypass, it does not have a significant accident record. The Highway Authority have plans to improve the footway and this would be likely to occur before the proposed sites could be fully developed because the individual pitches are sold with caravans and this process takes some time.

14. The nature of the road itself may also change as a result of industrial/commercial proposals in the Local Plan on land to the north east and I am not therefore convinced that the likely harm to pedestrian safety would be so serious under these circumstances as to justify resisting this appeal on this ground alone. Nevertheless, I consider that the visual impact of these proposals would be harmful to this important landscape setting for Knaresborough and also be harmful to the aims of well established national and local policies for such development and the protection of the landscape. I am convinced that this harm would be so serious as to constitute a compelling reason by itself for resisting this appeal.

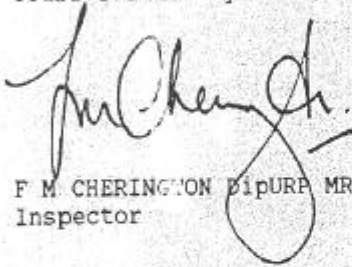
15. Your clients offered to give up rights to site static caravans on Grimbald Crag within the Special Landscape Area if this scheme was to be approved. However, that land forms part of the open space within the park required by the Site Licence and is currently signed as a "dog exercise area". They would also be willing to accept a landscaping condition and restrict the increase to the limit of 530 static caravans permitted by the Site Licence. However, I do not consider that any of these factors or the suggested conditions would satisfactorily ameliorate the unacceptable harm likely to result from an extension of this scale to an already large caravan park.

16. Although the gypsy caravan site at the junction of the B6163 and the bypass further to the south is prominent in the countryside, it is much smaller than this proposal and, as the Council say, special circumstances applied in that case such that its approval does not constitute a reason for permitting prominent and intrusive development elsewhere.

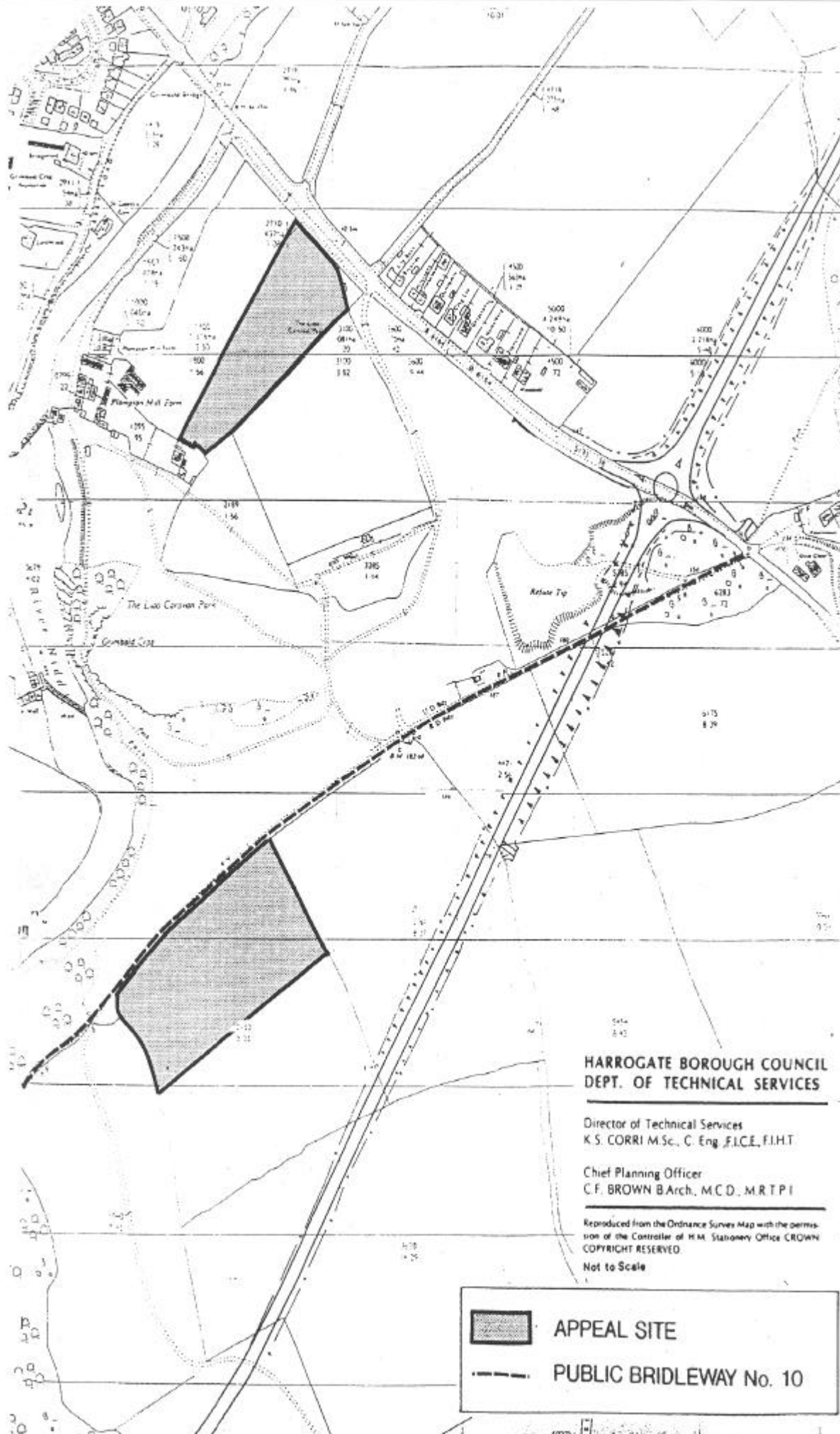
17. I have taken account of all the other matters raised, including the history of the site and what is permitted by the different Site Licences, the number of pitches achievable before and after acquisition of land for the bypass, the consultation responses, changes in the model conditions and the economic benefits which visitors to the site bring to the town. However, I find nothing to outweigh the main considerations leading to my decision in this case.

18. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your clients' appeal.

Yours faithfully



F M CHERINGTON DipURP MRTPI ARICS MBE: g MIA
Inspector



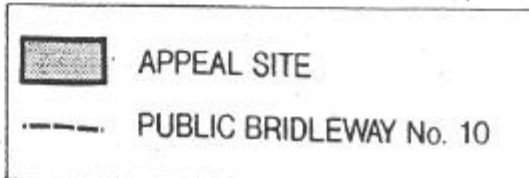
**HARROGATE BOROUGH COUNCIL
DEPT. OF TECHNICAL SERVICES**

Director of Technical Services
K.S. CORRI M.Sc., C. Eng., F.I.C.E., F.I.H.T.

Chief Planning Officer
C.F. BROWN B.Arch., M.C.D., M.R.T.P.I.

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Not to Scale



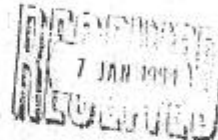
COUNCIL OF THE BOROUGH OF HARROGATE

APPLICATION NO. 6.500.133.PA

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION
FOR PERMISSION TO CARRY OUT DEVELOPMENT

To: Harper Brothers
per Fleury Manico
72/75 Marylebone High Street
LONDON
W1M 4AJ



The above named Council being the Planning Authority for the purposes of your application dated 24.09.93 in respect of proposed development for the purposes of Pt OS 1800 siting of 90 static holiday caravans and Pt OS 2153 siting of 90 static holiday caravans both to be occupied 1st March to 31st October each year.


at PART OS 1800 AND PART OS 2153 FIELD NUMBERS, LAND ADJOINING THE LIDO CARAVAN PARK, WETHERBY ROAD, KNARESBROUGH.
have considered your said application and have REFUSED permission for the proposed development.

Reasons for Refusal:-

- 01 The proposed development would be unduly prominent and consequently detrimental to the character of the surrounding area, and therefore would conflict with Policy R10 of the approved North Yorkshire County Structure Plan.
- 02 The siting of static caravans in field No. 1800 would conflict with policy TR5 of the Harrogate and Knareborough Local Plan by reason of its impact upon the Nidd Gorge Special Landscape Area and Abbey Road Conservation Area and would thus also be contrary to policy E4 of the North Yorkshire County Structure Plan.
- 03 Field No. 2153 lies outside the limits of the built up area of Knareborough and its development for 90 static caravans would detract from the visual amenities of the area contrary to Policy R3 and R10 of the North Yorkshire County Structure Plan.
- 04 The proposal would be an overdevelopment of the site and the Local Planning Authority considers that the additional traffic generated would cause interference with the free flow of traffic and consequent danger to highway users and pedestrian users of Grimbald Bridge contrary to Local Plan Policy T1.
- 05 The Local Planning Authority considers that the proposal would result in vehicles crossing and using part of Bridleway No. 10 with consequent danger to users of the Bridleway and thus contrary to North Yorkshire County Structure Plan Policy R3 and R6.

Date of decision: 21.12.93

Date of issue: 4 JAN 1994


DIRECTOR OF TECHNICAL SERVICES

