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# Appeal Decision

Site visit made on 18 June 2013

**by Nick Fagan BSc(Hons) DipTP MRTPI**

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

**Decision date: 1 August 2013**

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## **Appeal Ref: APP/R3325/A/12/2188253**

### **Puthill Wood, Cricket St Thomas Estate, Chard, Somerset TA20 4BZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Benedict Wray against South Somerset District Council.
  - The application Ref 11/04894/FUL, is dated 28 November 2011.
  - The development proposed is the change of use of land to eco-friendly campsite and the erection of wooden decking to site 7 No. eco pods and separate shower/wc/kitchen facilities.
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## **Decision**

1. The appeal is dismissed and planning permission is refused for the change of use of land to eco-friendly campsite and the erection of wooden decking to site 7 No. eco pods and separate shower/wc/kitchen facilities.

## **Procedural Issues**

2. There have been various amendments to this application since its initial submission, which have been acknowledged by the Council. The number of 'eco pods' has been reduced from 10 to 7 as shown on a revised plan and I have therefore amended the description of development accordingly.
  3. The original proposal to access the site through the existing estate road leading to the hotel has been changed. Access to the site would now be from the B3167 and Colham Lane or via Purtington from the A30 to the north, or from Winsham via Colham Lane or Lime Kiln Lane to the south, as shown on the revised access map.
  4. There have also been various updates on ecological and landscape matters during the course of this application. For the avoidance of doubt I have had regard to the revised Ecological Survey by Michael Woods Associates [MWA] dated April 2012, the MWA Woodland Management Plan also dated April 2012, MWA's response by way of a letter to the Council's initial ecological objections dated 9 August 2012, and another letter to the Council from the agent dated 6 September 2012, as well as comments by the Council and others on these documents.
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## **Main Issues**

5. The effect of the proposals on the ecology of this Local Wildlife Site, on the landscape of the Grade 11\* listed park and garden, and access arrangements to the site.

## **Reasons**

### *Ecology*

6. Puthill Wood is a designated Local Wildlife Site, more recently known as a County Wildlife Site. It contains mixed semi-natural/plantation woodland with at least 8 notable plant species and 14 ancient woodland indicator [AWI] species. There are 3 distinct parts of the wood. The lower lying western area is dominated by Norway spruce and larch with generally sparse ground flora. The central area between the two main paths through the wood contains mature oak with an understorey of rhododendron. The eastern area comprises mixed larch and sycamore plantation with a dense carpet of bluebells as ground cover. It is within this eastern area that the 'glamping' site is proposed.
7. The Council is concerned that the use of this section of the wood for siting the 7 eco-pods would result in a significant loss of bluebells. It estimates this loss would be around 20% of the current ground cover from the direct impact of the footprints of the new pods and the footpaths and 'buffer' zone either side of them and possibly 40-60% arising from incidental trampling of other ground as a result of the campsite use. Although this latter figure is rather speculative I agree the proposal would result in loss or permanent damage to a significant percentage of the bluebells, which are not a protected species but are the dominant flora in this part of the wood.
8. Although pods 1, 8 & 9 are situated close to the main track the other four would be located down long paths off the peripheral western main track. The paths to these pods would be new virgin tracks through the wood. This would obviously involve the loss of bluebell cover necessary to create these paths as well as at the pod sites themselves, as I saw in relation to the existing demonstration pod at site 6.
9. The appellant would put in place a Woodland Management Plan [WMP] that seeks to manage the recreational pressure on the woodland through the provision of a peripheral path running just inside the wood's eastern boundary and linking to the main track at its northern and southern ends. Notice boards and information packs to discourage campers roaming at random through the woods would also be provided.
10. The WMP seeks to mitigate the loss of bluebells from the creation of the pod sites and paths by translocating bluebells from these areas to the central part of the wood where rhododendrons would be cleared. The appellant has also sought to address the Council's concerns by deleting 3 of the initial pod sites and moving others into areas currently containing rhododendron, which would be cleared. It also proposes other benefits, such as thinning the trees in order to stimulate diversity of understorey species and regular management of vegetation.

11. However, it appears to me that the principle of this proposal is wrong. There would be no need for mitigation if the eco-pods were not located on this site. Policy EC6 of the adopted South Somerset District Plan (2006) [LP] states that development having a detrimental effect on local nature conservation interests including County Wildlife Sites will only be permitted where other material considerations outweigh the harm that would be caused to the substantive nature conservation value of the site.
12. Balanced against the harm to this County Wildlife Site is the appellant's desire for diversification into this tourism use, which he states would help diversify the Estate and manage this woodland better. I am aware of the Estate's reasons for choosing this site over other parts of its land but do not consider the economic benefits would outweigh the harm to the wood's ecology, particularly since it is this ecology that is likely to attract such tourists in the first place. The appellant has not quantified the economic benefits of this proposal to the Estate as a whole, and the Estate is clearly a large business concern that derives its income from a number of activities including farming and shooting and I have no evidence before me suggesting this proposal is crucial to the Estate's economic viability. The proposal therefore is contrary to LP Policy EC6. Although LP Policy ME5 encourages appropriate farm diversification schemes it only does so subject to their compliance with other plan policies and provided no harm is caused.
13. The appellant states that the wood was used as part of the former safari park and so the proposal does not extend the leisure use on other parts of the estate into this area. In particular it was used by a large wheeled vehicle for safari rides. However I am not aware that this vehicle traversed the interior of the woods, rather my understanding is that it stuck to the established main tracks and so it did not have a major impact on the bluebells in the same way this proposal would. I consider the impact of campers including families with children living in the middle of the wood would have a greater impact on the ground flora than a vehicle giving rides to visitors along the main tracks during daylight hours. In any case this activity ceased a number of years ago.
14. As well as conflicting with LP Policy EC6 I consider the proposal is also contrary to paragraph 118 of the Framework, which states that if significant harm resulting from development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The proposal attempts to mitigate the development but the starting point should be to locate the proposal on another site causing less harm and, given the size of the Estate, I am unconvinced of the appellant's reasons as to why this is not possible.

#### *Landscape Setting*

15. The site lies within the Grade 11\* listed park and garden. Because the eco-pods and car parking for them would be located within the wood I do not consider they would be readily visible from the wider landscape of the listed park, particularly from the main setting of the listed house and church to the north.

16. The track to the site off Chalkway is a grassy unfenced track running across a field, barely discernible from the rest of the field. The revised access plan shows the construction of a passing layby in this field. Although some work has been recently undertaken to repair the field drains as this track enters the wood it appears to me that additional hard surfacing may well be required over at least parts of this route in the early spring and late autumn when the weather is wetter and this could have some impact on the wider landscape and the setting of the listed park and garden.
17. The car parking area would be accessed from a rather abrupt slope as the track enters the wood and it would appear that some hard surfacing or reinforcing of this slope and indeed the car park itself may be necessary if only for cars to be able to successfully access the car park, despite the appellant's views that no hard surfacing to either the track or the car park are necessary.
18. However, I consider the precise nature of any such hard surfaces is capable of being dealt with by condition because this would be unlikely to destroy or adversely affect the character, appearance or setting of the historic park/garden and there would therefore be no conflict with LP Policy EH8, which is designed to prevent such adverse impact.

#### Access

19. The Council do not raise concerns over the access arrangements to the camping site. However objections have been raised by many residents in the roads through which such access would pass. It seems likely to me that visitors arriving from the north and east would be likely to approach the site from the A30, turn south onto the B3167 and then due south down the first part of Colham Lane, then turn east onto Chalkway towards the site.
20. This part of Colham Lane, whilst narrow in places, is generally easily passable by two vehicles. The vehicles in question are likely to be cars, not caravans or trailer homes, due to the nature of the proposed camping accommodation and I do not consider such an access route would be problematic for the various daily vehicle movements associated with the 10 or so cars likely to be attracted by the 'glamping' operation at any one time.
21. Access routes from Purtington and Winsham would be less satisfactory and these are also shown as possible routes on the revised access map. The sharp bend at Purtington for vehicles turning towards the site would be a relatively difficult manoeuvre and parts of this road are very narrow with few passing places. But I see no reason why visitors from the north or east would use this route when there is a much better one as set out above.
22. Visitors from the south may choose to come via Winsham on the south part of Colham Lane or on Limekiln Lane, both of which are steep and narrow with few passing places, but this is equally unlikely when they can access the site via the B3167, a wider and more direct route. In any case I do not consider the movements associated with 10 or so vehicles at one time to be beyond the capacity of even these narrow lanes to cope with, and I therefore consider the access arrangements to be satisfactory.

*Conclusion*

23. Although I consider there would be unlikely to be an adverse effect on the listed park and garden and access arrangements would be suitable, there would be an unacceptable impact on the bluebells, the dominant ground flora in this part of the wood, contrary to policy in the development plan. I therefore dismiss this appeal.

*Nick Fagan*

INSPECTOR