

Appeal Decision

Site visit made on 24 January 2017

by John Whalley

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

Decision date: 31 January 2017

Appeal ref: APP/A2335/C/16/3157283, /84

Rear of Nos. 294 – 302 Oxcliffe Road, Heaton-with-Oxcliffe, Morecambe, Lancashire LA3 3EJ

- The appeals were made by Mr John Hoey, (APP/A2335/C/16/3157283), and by Mrs Winifred Hoey, (APP/A2335/C/16/3157284), under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Lancaster City Council.
- The notice was issued on 21 July 2016.
- The breach of planning control alleged in the notice was: Without planning permission, the change of use of the land from use for agriculture to a use for the storage and or repairs and servicing of caravans and the siting of caravans for residential purposes, which has occurred within the last 10 years.
- The requirements of the notice are to:
 - i cease the use of the caravans for residential purposes;
 - ii cease the use of the land for the storage and or repairs and servicing of caravans;
 - iii remove all caravans from the land.
- The period for compliance with the requirements is three months.
- The appeals were made on ground (a). Mr John Hoey paid the fee for the application for planning permission deemed to have been made.

Summary of Decision: The enforcement notice is upheld.

Appeal development

1. The appeal concerns the use of land to the rear of Nos. 294 – 302 Oxcliffe Road, Heaton-with-Oxcliffe, Morecambe for the stationing of caravans used for residential purposes, together with use of the land for the storage and or repairs and servicing of caravans. The eastern end of the site bounds the edge of a large pond. Road access to the site comes at the site's western end from Green Lane. There is housing to the north and south of the appeal site.
2. The Appellants' drawing, GA1896-PSK-01 dated August 2016, shows a sketch layout scheme with 5 residential caravans set out along a central access way. At the time of the appeal site inspection, the land was unoccupied.

The appeals on ground (a)

3. The appeals on ground (a) ask that planning permission be granted for the uses of the land set out the enforcement notice allegation.

4. The Council's first reason for issuing the enforcement notice said the appeal site was within a 3a Flood Zone. They pointed out that Planning Practice Guidance, (PPG), at Table 2, (Paragraph: 066 – PPG: Flood Risk and Coastal Change), identified caravans intended for permanent residential purposes in such areas to be a highly vulnerable use and should not be permitted.
5. The Environment Agency's Flood Map for Planning, (Rivers and Sea), shows Flood Zones in various categories. The appeal site lies within Zone 3a land. There is a high probability of such land having a 1 in 100 or greater annual probability of river flooding; or having a 1 in 200 or greater annual probability of sea flooding.
6. The Appellants countered the Council's concern by pointing out that most of the appeal site land had been raised such that it should now be considered as Zone 2 land. A lesser flood risk test should be applied. Zone 2 land is that having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. I am not persuaded this point much assists the Appellants. The appeal site ground level appears to have been raised by up to 1m. But that has brought it no higher than the land on either side to the north and south.
7. It is the Environment Agency's preferred course of action in the immediate locality that sea defences are to be maintained or improved when and where needed. It is therefore less likely that flood defences would be breached than in places where such protection is not maintained. The appeal site is also outside those local areas where the Agency issues flood warnings. However, the Agency's advice is that: *"Flood defences do not completely remove the chance of flooding, however, and can be overtopped or fail in extreme weather conditions."* I consider that, particularly because the appeal project does not have an endorsement from the Environment Agency to the effect that the raised ground levels on the appeal site means that it should be reclassified from its more restricted Zone 3a allocation, it should not be granted planning permission for its permanent residential use.
8. The Council's second reason for issuing the notice said the use of the site for the storage and repair of caravans would be injurious to the amenity enjoyed by occupiers of surrounding housing. The Appellants said they would be content that a planning permission to retain the residential use of the caravans could be subject to a condition to prevent uses other than normal residential use. I agree with the Council that a caravan storage and repair use of part of the appeal site, land surrounded by housing, would be incompatible with the need to maintain reasonable levels of residential quietness and amenity. The appeals on ground (a) fail.

FORMAL DECISION

9. The enforcement notice is upheld. Planning permission is not granted on the applications deemed to have been made for the storage and or repairs and servicing of caravans and the siting of caravans for residential purposes on the land to the rear of Nos. 294 – 302 Oxcliffe Road, Heaton-with-Oxcliffe, Morecambe, Lancashire LA3 3EJ.

John Whalley

INSPECTOR