
Appeal Decision

Site visit made on 23 May 2017

by B Bowker Mplan MRTPI

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

Decision date: 2 June 2017

Appeal Ref: APP/D2510/W/17/3167619

The Bungalow, Mumby Road, Hogsthorpe PE24 5PD

- 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 Carole Roby against the decision of East Lindsey District Council.
 - The application Ref N/125/01825/16, dated 5 September 2016, was refused by notice dated 21 December 2016.
 - The development proposed is change of use of land for the siting of 9 no. touring caravan pitches in accordance with amended plans received by the local planning authority on 1st and 21st November 2016.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with two other appeals¹ on this site. The appeals are the subject of separate decisions.
3. The description of development used above is taken from the appeal form which, following the submission of revised plans at the application stage, more accurately reflects the permission sought.

Main Issues

4. The main issues are:
 - Whether visitors related to the proposed development would have reasonable access to services, shops and facilities;
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - Whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Access

¹ APP/D2510/W/17/3167606 & 3167651

5. For planning purposes, the site is not located in a settlement and therefore occupies a countryside location as outlined in Council's 1999 Local Plan (LP) saved Policy A3.
6. Paragraph 17 of the Framework sets out a number of core planning principles which underpin decision-taking. These include supporting thriving rural communities within the countryside and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. Saved LP Policy T15 is referred to by the Council which allocates areas for touring caravans, and requires proposals to be associated with existing visitor attractions and be located in or alongside a settlement. I agree with the Council that these requirements are more onerous than the Framework. Therefore, in accordance with paragraph 215 of the Framework, the weight I can afford LP Policy T15 is limited.
7. The proposal would result in four additional caravans at the site. The site is reached via the A52 and is over half a kilometre from the nearest settlement. As services, shops and facilities are not available at the site, visitors would have to travel further afield to access them. In addition, a number of comings and goings would be associated with transporting caravans to and from the site. During my site visit I saw that the A52 is a busy road traversed by fast moving vehicles. The A52 is not lit or paved and the site does not benefit from good levels of access to public transport or a wide network of public footpaths. These conditions would discourage and limit the use of cycling and walking for visitors wishing to access services, shops and facilities.
8. Given the limitations of travel by public transport, on foot and by cycle, visitors are likely to use a private car to access services and facilities available at other settlements further away. In addition, further vehicular activity would be required to transport the caravans to and from the site.
9. I acknowledge that five caravans have been certificated at the site. However, the proposal would increase the number of caravans at the site beyond that certificated. Consequently the proposal would create additional vehicular and comings and goings at the site. Furthermore, the additional vehicular journeys would result in an increase in greenhouse gas emissions and thus clear harm when considering the environmental dimension of sustainable development.
10. Therefore visitors related to the proposed development would not have reasonable access to services, shops and facilities. Consequently the proposal would be contrary to paragraph 17 bullet points 6 and 11 of the Framework, which require development to makes the fullest possible use of public transport and walking to avoid dependency on private vehicular travel and to support the transition to a low carbon future.

Character and Appearance

11. The appeal site comprises a caravan site located to the rear of 'The Bungalow' and a workshop building. The caravans would be located behind the workshop and area of hardstanding, and would be sited amongst the 5 caravans already certificated at the site. The A52 crosses the front of the site in a north west to south east direction. The site is surrounded by relatively level open fields which gives the area an open rural character.

12. During my site visit, I observed the site whilst travelling towards it along the A52 from the west. Unlike the proposed WC/shower unit, visually the caravans would be large in scale and sited away from The Bungalow and the workshop building. I saw that vegetation along the western boundary of the site is insubstantial with varying heights, gaps and some plants at the early stage of growth. Consequently, vegetation along the western boundary would not be able to fully screen the combined mass of the caravans.
13. Furthermore the proposed parking and turning area would require the removal of parts of the western vegetated boundary, thus increasing views of the caravans. Whilst the site benefits from a caravan certification, the combined larger mass of 9 caravans would have a more harmful visual impact than that of 5 caravans. Consequently, the proposal would be a noticeable and discordant landscape feature that would harm the open rural character of the surrounding area.
14. It is put to me that additional landscaping and the use of evergreen species would ensure that the proposal is fully screened. However, it would take some time for a sufficient evergreen landscaping scheme to become established and fully screen the proposal. Consequently, the proposal would be a discordant and prominent feature for an extensive period of time. The use of sufficiently high enough fence to screen the proposal would also appear discordant and be harmful to the surrounding open rural character. The proposal would be screened by The Bungalow and the workshop from views to the north. However, the proposal would remain prominent; particularly when viewed from vantage points to the west along the A52.
15. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to East Lindsey Local Plan (LP) saved Policy A5 and paragraphs 17 (bullet point 5), 56-66 and 109 of the Framework which are of most relevance to this matter. Combined, these policies seek to ensure development has a good quality of design that does not detract from the intrinsic character and beauty of the countryside.

Flood Risk

16. The appeal site is located within a Flood Zone 3a area which has a high probability risk of flooding. Paragraphs 100 - 103 of the Framework state that inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through the application of a sequential test.
17. Consequently, development within a flood zone 3a, such as the proposal, are required to apply a sequential test to establish whether there are other reasonably available sites for the proposed development in areas with a lower probability of flooding. The use proposed is considered 'more vulnerable' as outlined in table 2, paragraph 66 of the Planning Practice Guidance (PPG). Therefore, should the sequential test conclude no other sites are available, the proposal is then required to pass an exception test. No such sequential test has been made or submitted by the appellant. However, the Council raise no concern in relation to the sequential test requirement, and I have no reason before me to contest their acceptance of this matter.

18. Paragraph 102 of the Framework outlines that to pass the exception test, it must be demonstrated that the development provides wider sustainable community benefits that outweigh flood risk. In addition, a site specific Flood Risk Assessment (FRA) must demonstrate that the development will; be safe for its lifetime taking into account the vulnerability of its users; not increase flood risk elsewhere; and where possible, will reduce flood risk overall. The Framework states that both elements of the test have to be passed for the development to be permitted.
19. The Environment Agency (EA) raise no concern regarding the submitted FRA subject to compliance with a number of details. This aside, my findings in the previous main issues identifies environmental harm based on the location of the proposal and its visual impact on the surrounding area. In addition, no sustainable community benefits are before me that outweigh the matter of flood risk associated with the proposal. It follows that the proposal fails the exception test outlined in paragraph 102 of the Framework.
20. It is put to me that acceptable flood risk details could be secured at a later date. However, as the exception test is intended to establish whether the principle of development is acceptable in terms of flood risk, this matter could not be dealt with at a later date by planning condition. Whilst five caravans have been certificated at the site, the proposal would increase the number of visitors in an area of flood risk. I also note that the EA raise no objection to the proposal subject to details that the appellant is willing to meet. Furthermore, the caravans would not be occupied on site during the winter when flooding is more likely to occur. However, these factors do not outweigh the conflict of the proposal with the exception test requirements outlined in paragraph 102 of the Framework.
21. Therefore the proposal would not comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding. Consequently, the proposal would be contrary paragraphs 100 to 103 of the Framework which seek to ensure vulnerable development is located in areas at lower risk of flooding.

Other Matters

22. My attention is drawn to paragraph 28 of the Framework which promotes agricultural diversification and supports sustainable rural tourism that benefits businesses in rural areas, communities and visitors. However this section of the Framework states that sustainable rural tourism must occupy an appropriate location, benefit businesses, communities and visitors in rural areas and respect the character of the countryside.
23. Based on my reasoning above, the proposal would result in environmental harm by virtue of its access to services, shops and facilities, harm to the character and appearance of the surrounding area, and in respect of flood risk. In this context, the modest economic and tourist related benefits associated with the proposal, including its support to an existing business, would be outweighed by its environmental harm.
24. Consequently the proposal would not meet the requirements of the Framework paragraph 28. Moreover, based on its resultant environmental harm, the proposal would not comprise sustainable development as required and defined by paragraph 7 of the Framework.

Conclusion

25. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR