
Appeal Decision

Hearing Held on 28 August 2019

Site visit made on 28 August 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/J3530/W/18/3211917

Church Farm Holiday Park, Church Farm Road, Aldeburgh IP15 5DW

- 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 Luton Caravan Centre Ltd against the decision of Suffolk Coastal District Council.
 - The application Ref DC/18/0116/FUL, dated 21 December 2017, was refused by notice dated 19 April 2018.
 - The development proposed is described as 'proposed siting of 34 high quality holiday lodges (static caravans) in lieu of 85 touring caravan pitches together with peripheral and supplemental landscaping.'
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Decision

1. The appeal is dismissed.

Application for costs

2. In advance of the hearing an application for costs was made by Luton Caravan Centre Ltd against Suffolk Coastal District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council refused planning permission for five reasons. The fifth being that the Council's flood and water management team had issued a holding objection. Prior to the hearing I was provided with a drainage agreement along with the team's comments that subject to conditions they would remove their objection. This was confirmed by the parties at the hearing with the Council stating that they would not be defending the fifth reason for refusal. I have nothing else before me that would lead me to a different conclusion.
4. Since the determination of the planning application Suffolk Coastal and Waveney District Councils have merged to form East Suffolk Council. The Council officer appearing at the hearing was doing so on behalf of the new organisation. The decision on the planning application was however taken by Suffolk Coastal and I have therefore referred to them above. The administrative change does not alter the scheme before me or the case of either party in relation to it. I have proceeded on this basis.

Main Issues

5. With the above in mind there are four main issues. These are:
 - Whether the appeal scheme would result in the unacceptable loss of a touring caravan site;
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would be at an unacceptable risk of flooding; and
 - Whether the proposed development would result in unrestricted dwellings in the countryside.

Reasons

Touring Caravan Site

6. The appeal site currently operates a provision of 85 touring pitches. There are a mix of serviced and unserviced pitches capable of accommodating caravans with awnings or motorhomes. The wider site currently operating at Church Farm consists a substantial contingent of static caravans. The Local Plan¹ recognises that Aldeburgh is a tourist destination. Policy SP22 sets out a strategy that will aim towards a small town that will, amongst other things, retain its role as a tourist centre, offering a range of accommodation and visitor attractions.
7. It was said at the hearing that the appeal site provides for what is the only touring caravan site in the town. The effective replacement of the entire 85 pitches would therefore remove such provision from the town entirely. I cannot reconcile an argument to suggest therefore that removing the only provision of a given type of tourist accommodation would achieve the aim of offering a range. Put simply, the range would only narrow. It would neither broaden nor be maintained. There was mention of another touring site a short distance away by road but it is perhaps important to point out that SP22 is not an area specific policy, but one specific to the town thus a further touring site elsewhere does not alter the fact that Aldeburgh's range would be narrowed.
8. As well as the above, and putting aside the fact that the lodges proposed are intended to be a more premium specification than those that exist elsewhere on this site, providing more static caravan type accommodation effectively replicates what is already on the site in a more than substantial number. In essence therefore, the effect of the appeal scheme would undoubtedly push the balance of the range further one way.
9. I cannot therefore see how the appeal scheme would be able to satisfy the specified aim of SP22. Consequently, it would result in conflict therewith, accordingly meaning the proposed development would lead to the unacceptable loss of a touring caravan site.

¹ Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document 2013

10. There is a further strand to the Council's concerns in respect of this main issue which stems from the perception that the replacement of 85 touring pitches with 34 lodges would result in an economic dis benefit to the town. On the basis that the number of available components to serve an individual plot for the provision of tourist accommodation would reduce. And by well more than half in this particular case. There is some logic to this argument.
11. As part of their evidence the appellant has undertaken some comparison work. This looked at the approximate expenditure per unit per year based on an owned static, a rented static and a touring pitch. These figures are based on a 2011 Economic Impact Assessment by Roger Tym and Partners which both main parties seem to agree on as being as reasonably an accurate situation as exists at the current time. The figures suggest there would be an uplift in spend moving from touring pitches to owned static units but the increase isn't what I would call significant. The biggest difference comes for rented static units which would patently bring in the greater spend since it factors in the amount renting occupiers would pay to do so.
12. I have some concerns in taking this figure as a whole or any where near definitive as a representation of spend. Mainly because it cannot be guaranteed, nor even reasonably controlled through planning powers, how many of the new static units would be made available for rent once sold. I would be uncomfortable assuming all of them would be. I similarly could not be certain that the rent they would generate would be for the benefit of the economy in the local sense. Some may be spent there by association of the owners sometimes using them but in the main it strikes me that owners would take their profits from rental and spend them where it is that they may reside permanently which, if they had a holiday home in Aldeburgh, I would say it is unlikely they would also live there permanently.
13. There was some discussion at the hearing of occupiers of static units being more likely to spend more in the town than those staying out of town. Namely that touring users would be more likely to stock up their caravan before arriving. It seems to me that this assumption is based on anecdotal evidence at best. The appellant was not able to produce anything sufficiently compelling to back up this statement and it certainly does not occur to me that occupiers of either static or touring units would be more or less inclined to spend locally and such behaviour would be more borne out of personal preference which is inherently more difficult to measure.
14. Even so, and having regard to the evidence I have seen in regard to this matter, it does not appear to me that the replacement of the 85 touring pitches with the lodges would, overall, result in an economic dis benefit to the town. In fact, the investment has the potential to be positive. Be this as it may, it does not alter my conclusions on this main issue and the subsequent conflict with the development plan.

Character and Appearance

15. The appeal site is a roughly rectangular parcel of mainly grassed land that comprises individual pitches for touring caravans and motorhomes. It is well established as a tourist use adjacent the edge of the built up area. For all but one month of the year, it accommodates vehicles of some form. The land is flat and bounded almost entirely by tall mature trees and hedges.

Most pitches also have individual hedgerows demarcating their extent. There is some hardstanding on pitches as well as forming internal roadways. Owing to the density of the boundary planting, the touring pitches are almost completely obscured from the public realm which includes the footway on Church Farm Road, the sea front and a network of public rights of way which run to the south and west of the site. The appeal site is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and part of a designated Heritage Coast.

16. The proposed development would consist 34 detached static units. They would be arranged in a formalised layout, line abreast, facing two roughly parallel internal roadways. The units would be single storey on a fairly broad footprint but with a shallow roof pitch. For the majority of the year, the retained boundary planting would maintain substantial visual cover. During the winter, some of the deciduous cover would not be in leaf but due to the density of planting, potential supplementation through the scheme and the accompanying hedges the overall visual effect of what would be permanent buildings would not be significant.
17. Where space allows, the units would be arranged gable end on to the northern and southern boundaries. This would reduce their profile from views at the southern boundary as well as land beyond to the north. From the public rights of way to the west they would be read in the context of the existing substantial static site that the proposed development would effectively continue.
18. Whilst significantly lesser in number, the new units would be greater in overall scale than existing statics when taking into account the largest touring unit that the operator's existing license would permit. The new units would also equally fill the site in what would be a high density development. That said, the final design and outward appearance (particularly the colour of the finish) can all be controlled by reasonable planning conditions.
19. I do not subscribe to the notion that a given development should be acceptable if it can be obscured. Consequently, and taking into account other factors I have explained, it does not strike me that the overall effect of the appeal scheme on the character and appearance of the area would be an adverse one, landscaping aside. It would change, of that there seems no doubt. But such a change would be mostly internal and retain the broad function and status of the appeal site. Available views would be of what has historically been a well established and densely laid out caravan site covering a substantial swathe of land adjacent to the coast on the edge of a built up area.
20. There was discussion at the hearing as what was perceived by some parties to be a marked difference between a site that could and in planning terms should be completely vacant for at least one month of the year vs one that would have permanent buildings on it all of the time. As I have alluded to above, I do not find that the proposed new units would be harmful overall in character and appearance terms. Notwithstanding this, the site could be vacant for only a very small part of the year and even then, as I have also said, it is far from conspicuous or open. In association with the static site adjacent and by virtue of infrastructure and nearby buildings it has and would continue to have a clear functional appearance.

21. With the above in mind, the proposed development would not be harmful to the character and appearance of the area which includes the AONB and the Heritage Coast. Thus, and with regard to this main issue, there would be no conflict with Policies SP15, SP22 or DM18 of the Local Plan. Between them, and amongst other things, these policies seek to ensure that new development (holiday caravans specifically) does not have a material impact on and protects and enhances the landscape and retains the sensitive environment generally.

Flood Risk

22. The appeal site lies within flood zone 3a as it is defined. This is a high risk area under threat from coastal flooding. The appellant has submitted, and had approved by the Environment Agency, a site specific Flood Risk Assessment (FRA) which includes measures to protect the proposed development for its lifetime as well as a warning and evacuation plan in the event of a flood. I shall return to this later.
23. Section 14 of the Framework² sets out, amongst other things, that inappropriate development in areas at risk of flooding should be avoided by directing it away from areas at highest risk. Through the Sequential Test (ST) development should therefore be steered to areas with the lowest risk of flooding and should not come forward if there are reasonably available and appropriate sites in areas at a lower risk.
24. Turning to Planning Practice Guidance (PPG) some pragmatism is advised in establishing the scope of the ST. Such as, and relevant to this case, where schemes may rely on a certain catchment or where an existing business is being extended. I note in this case that the existing business is not strictly being extended and the scheme would be taking place entirely within its existing confines but the development is nonetheless one that is intended to be part of an existing business who's existing location is fixed. I am therefore satisfied that the appeal scheme, with regard to what it is and what it would be associated with it could not be reasonably steered out of a high risk flood zone.
25. The Exception Test (ET) is therefore relevant. The Framework states that the application of the ET should be informed by a site specific FRA. Which as I have alluded to above has been carried out. I am satisfied, based on what I have seen in this regard as well as its consideration by the EA, that it includes sufficient safeguards to be safe for its lifetime, taking account of the vulnerability of its users and seeks to not increase flood risk elsewhere. This is in accordance with one part of the ET. The ET also states that, for it to be passed, it should be demonstrated that the development would provide wider sustainability benefits for the community that outweigh flood risk. Paragraph 161 of the Framework is explicit that both elements of the ET should be satisfied for the development to be permitted.
26. This matter was raised at the hearing as the written evidence had no direct engagement with the ET per se. Based on what I heard I was not satisfied that, beyond economic benefits, there would be anything of sufficient benefit in wider sustainability terms for the community. Consequently, the appeal scheme would not be able to pass the ET.

² The National Planning Policy Framework 2019

27. My attention has been drawn to paragraph 164 of the Framework. This sets out that applications for some minor development and changes of use should not be subject to the ST or ET but should still meet the requirements for site specific FRA. Whilst I note that the scheme would be satisfied by an appropriately detailed FRA, I am of the view that it is neither minor development nor a change of use as defined or excluded by footnote 51. The siting of 34 wholly new independent and permanent structures designed and built for human habitation should be, to my mind, considered in flood risk terms no less significant than a residential development of the same. Which would, whichever way one considers it, not be minor in either planning nor normal terms.
28. The appeal scheme would therefore represent development at an unacceptable risk of flooding, contrary to the aims of section 14 of the Framework as I have set them out and Policies SP1 and SP22 of the Local Plan. These policies seek to ensure that, amongst other things, new development (to be sustainable) should mitigate against and adapt to the effects of climate change and have its flood risk minimised.

Unrestricted Dwellings in the Countryside

29. The planning application, in its original form, did not seek to restrict the occupation of the new units albeit it was confirmed at the hearing by the site operators that they were actually intended only for holiday use. Having regard to the use of the wider site and touring element, there was a general consensus that ten to 11 months of the year it would be operational for visitors. The Council refused planning permission given that the application did not propose a 56 day stay limitation as set out by Policy DM18 of the Local Plan.
30. I have to admit to being slightly confused of the Council's stance in respect of their reason to refuse planning permission on this ground as, in setting out their suggested conditions, they have in fact put forward a condition specifying the required 56 day stay limitation. Indeed, both their written and oral evidence seems to suggest that either a condition requiring a 56 day stay limitation or that suggested by the appellant requiring holiday use only and the maintenance of an up to date register available for inspection upon request would achieve one and the same objective of restricting the permanent occupation of the units as well as being as burdensome to enforce going forwards. I have nothing else sufficiently compelling to lead me to a different conclusion on this.
31. Returning to DM18, I am mindful that the policy is not explicit on the 56 day stay limitation insofar as stating that it is the only way. The wording is expressed as being that such a condition would 'normally' be imposed. Normally does not, to my mind, translate as 'always' or 'in every case'.
32. For these reasons, I am content that there would be sufficient safeguards in place to restrict the proposed development to what it is intended to be. Such safeguards would be in the form of an appropriately worded planning condition referring to either a 56 day stay limitation or another means as suggested by the appellant. These means would appear to be eminently capable of ensuring that the appeal scheme would not be akin to unrestricted dwellings in the countryside. Thus it is my conclusion on this main issue that the appeal scheme would not necessarily conflict with Policy

DM18 of the Local Plan which aims, amongst other things, to ensure that new tourist accommodation (static holiday caravans specifically) is acceptable as such.

33. I am also satisfied that the proposed development would be in accordance with the aims of Policies SP1 and SP19 in regard to the strategic spread of new development and would not lead to unsustainable patterns of new development outside of the scope of Policy SP29. It would not be for housing in the countryside as per Policy DM3 or a cluster thereof as defined by DM4. The Council, in their reasons for refusal and in regard to this main issue, also point to Policy SSP2 of the Site Allocations DPD³ but I have not been provided with a copy in the evidence. Given my findings however, the nature of this main issue and the sufficiency of other policies to support it, it does not seem likely my overall conclusions would change if I had.

Conclusion

34. Whilst the appeal scheme would not give rise to harm in respect of either the character or appearance of the area or leading to unrestricted dwellings in the countryside these factors, even taken together, would not be sufficient to outweigh the harm that would arise from the fact that it would lead to the unacceptable loss of a touring caravan site and would be at an unacceptable risk of flooding. I have had regard to all other matters that have been raised, including those by third parties, but it is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR

³ Suffolk Coastal District Local Plan Site Allocations and Site Specific Policies Development Plan Document 2017

APPEARANCES

FOR THE APPELLANT:

Mr Ian Albutt QC	Cornerstone Barristers
Mr Graham Cowley	Church Farm Holiday Park
Mr Philip Jones	Savills
Mr Simon Laws	ADP
Mr Mark Pearson	Church Farm Holiday Park
Miss Lucy Raven	Weetswood

FOR THE LOCAL PLANNING AUTHORITY:

Mr Simon Curl	Suffolk County Council
Mr Stephen Milligan	East Suffolk Council

THIRD PARTIES:

Mr David Argent	Local Resident
Mr Alan Collett	Local Resident
Mrs Sara Fox	Aldeburgh Town Council
Miss Ruth Proctor	Aldeburgh Town Council
Mr Neil Weston	Local Resident
Mr John Wright	Local Resident

DOCUMENTS SUBMITTED:

- Set of three A4 photographs showing views of motor homes parked along roadside and views of appeal site from across adjacent field by Miss Ruth Proctor on behalf of Aldeburgh Town Council.