



Appeal Decision

Site visit made on 16 September 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/E2340/W/19/3232922

Lower Greenhill Farm, Caravan Site, Kelbrook Road, Salterforth BB18 5TG

- 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 Mr & Mrs N Hudson against the decision of Pendle Borough Council.
 - The application Ref 19/0069/FUL, dated 25 January 2019, was refused by notice dated 20 March 2019.
 - The development proposed is a change of use of land to site 36 holiday lodge caravans and 20 touring caravan pitches.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of land to site 36 holiday lodge caravans and 20 touring caravan pitches at Lower Greenhill Farm, Caravan Site, Kelbrook Road, Salterforth BB18 5TG in accordance with the terms of the application, Ref 19/0069/FUL, dated 25 January 2019, subject to the conditions listed at Annex A.

Application for costs

2. An application for costs was made by Mr & Mrs N Hudson against Pendle Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area
 - The risk of flooding within the area.

Reasons

4. The proposed development would extend an existing caravan site onto part of an adjacent field to the south. The area where the proposed development would be located is generally flat, although the land slopes upwards to the west as part of Green Hill, and there are various drainage ditches within the site and by the boundary with the existing caravan site.
5. The proposed development would include 36 static 'holiday lodge' caravans with car parking spaces on the central part of the site, arranged around an access road. 20 touring caravan pitches with car parking spaces, also arranged around an access road, would be located at the western edge of the site where the land begins to rise.

6. The proposed pitches would be separate from the proposed static caravans, although the access roads serving both would merge by the single shared access point to the existing caravan site.
7. Various ancillary structures such as communal bin stores, a maintenance shed, fire hydrants and bollard lights are also proposed. Part of the existing caravan site, by the access to the field to the south, would be used for visitor car parking.

Character and appearance

8. The majority of the appeal site is adjacent to the existing landscaped caravan site through which it has access to Kelbrook Road, and which currently forms part of the character and appearance of the area. The site is towards the bottom of a wide valley containing predominantly grass farmland with hedgerows and occasional copses, together with some agricultural buildings and associated dwellings.
9. The appeal development would significantly increase the size of the existing caravan site, with the proposed layout providing a somewhat higher density of units, both static caravans and touring pitches.
10. The proposed development would be largely screened from views from the west by a hill; from the north and east by the mature trees and hedgerows by Kelbrook Road, together with the existing caravan site. However, it would be more visible from the private access road serving Bashfield Farm, which runs to the east of the appeal site, and from the land and properties to the south and east.
11. A Landscape and Visual Impact Assessment (LVIA) was undertaken and determined that the proposal would have only minor adverse effects on the landscape and some moderate beneficial ones. The LVIA identified some 33 viewpoints in relation to the appeal site. The viewpoints do not cover every possible view of the appeal site, but represent a range of directions, distances and elevations. I am satisfied that this is a reasonable approach in this case.
12. The significance of the visual effects of the proposal was considered to be neutral for 23 of the viewpoints initially, although once the proposed screening vegetation matured 9 of these would improve to slight beneficial.
13. The significance of the visual effect of the proposal was considered to be slight adverse for 10 of the viewpoints, but again following the maturing of the proposed screening vegetation they were considered to improve to slight beneficial.
14. I note that the Council disagrees with the conclusions of the LVIA, in particular with regard to Viewpoints 8, 9 and 10 and also from other positions on Cob Lane and Old Stone Trough Lane. These are acknowledged to be somewhat distant views, and whilst the appeal development would be visible it would be seen in the context of the wider landscape. This includes various settlements and buildings within the countryside, as well as the existing caravan site, and would not significantly affect its character and appearance.
15. The proposed vegetation in and around the appeal site would not completely screen it from view, particularly from higher ground and whilst it matures. However, I am satisfied that when seen in the wider landscape context it would

not be unduly prominent in medium and longer distance views, from publicly accessible areas.

16. For shorter distance views the proposal would be largely screened to the west, north and east, as set out above. In views from the south and south of Kelbrook Road to the east, the proposed development's position would be more visually prominent than the existing caravan site. However, with appropriate screening vegetation it would not be significantly so. Furthermore, with regard to caselaw¹ such impacts upon existing views from private land are not something which the Planning system normally considers.
17. Reference is made to another appeal at the Dalesview Caravan Park, elsewhere in Salterforth², which was dismissed. I am not familiar with that scheme or its location and I therefore give it very limited weight. Furthermore, from the evidence I note some differences between that appeal and the one before me, including in terms of public rights of way adjacent to the appeal site. In any event, each proposal should be considered on its individual merits, which is what I have done in this case.
18. For these reasons the proposed development would have an acceptable impact on the character and appearance of the area. It would not, therefore, conflict with Policies ENV1 (protecting and enhancing the natural environment) and ENV2 (design and conservation) of the Pendle Local Plan Core Strategy 2015 (PLPCS).

Flood risk

19. The appeal site is located on land designated as Flood Zone 1³, which is considered to have a less than 0.1% annual chance of flooding from rivers or the sea. The proposed development is classed as *Highly Vulnerable*⁴. However, given its location in an area with a low probability of flooding from rivers or the sea, the appeal proposal would be appropriate development⁵ and neither the Sequential test or the Exception test apply.
20. The National Planning Policy Framework 2019 (the Framework)⁶ directs that in determining planning applications, Council's should ensure that flood risk is not increased elsewhere.
21. Site-specific Flood Risk Assessments (FRAs) are required for certain developments within Flood Zone 1, including on sites 1.0 hectares or more in size, or on land which may be subject to other sources of flooding, where its development would introduce a more vulnerable use.
22. The appeal proposal is for such a development and an FRA has been produced for the appellant which identifies surface water flooding as a risk. Some 4410m² of the 13000m² site would be 'hardcovered', which would increase surface water discharge. Given that relatively impermeable clays are likely to be present at the site, alternative stormwater storage to soakaways, which should be sufficient to accommodate a 1 in 100 year 6-hour rainfall event, with

¹ *The Queen on the Application of Laura C and Others v London Borough of Camden, The Secretary of State for the Environment Transport and The Regions* [2001] EWHC Admin 1116

² Ref. APP/E2340/W/17/3181018

³ Planning Practice Guidance (PPG) - Paragraph: 065 Reference ID: 7-065-20140306 Revision date: 06 03 2014

⁴ PPG - Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014

⁵ PPG - Paragraph: 067 Reference ID: 7-067-20140306 Revision date: 06 03 2014

⁶ Paragraph 163, including Footnote 50

- a 10% allowance for urban creep and a 40% allowance for climate change, would be needed, according to the FRA.
23. The proposed layout plan⁷ shows a detention basin at the southeastern end of the appeal site to accommodate stormwater storage. Ground levels would also be raised here given shallow water-ponding is known to happen in this area, as referred to by a number of objectors. The current (undeveloped) greenfield run-off rate for the appeal site during a 1 in 100 year 6-hour storm event has been calculated at 407.6m³. The discharge from the developed site, with the detention basin, has been calculated at 383.6m³. This means that during such a storm event, the volume of water discharged from the site would be reduced by the proposed development⁸.
24. The Council does not consider that there is an unacceptable risk of flooding at the appeal site. It's concern in refusing planning permission is the risk to flooding elsewhere, from the Salterforth Beck in Earby, where the water from the appeal site would drain to. The Council's concern is that the calculated peak greenfield runoff rate for the appeal site would significantly exceed the discharge rate that the Earby and Salterforth Internal Drainage Board (IDB) would allow into Salterforth Beck.
25. I note that the IDB has not objected to the proposal. The IDB has also changed what it considers would be an acceptable discharge rate from the site as part of the application process. The IDB's permitted discharge rate is covered by a separate regulatory process to the planning process and as such, a planning condition controlling this would not meet the test of necessity⁹.
26. In any event, the greenfield runoff rate is the runoff rate from the site without the appeal development. The FRA shows that the appeal development would reduce the volume of water discharged from a comparable storm event and consequently reduce the volume of water entering Salterforth Beck from the site.
27. Another FRA of the appeal development has been commissioned by nearby occupiers. This FRA identifies that the appeal site is at a medium risk of flooding from all sources, with the primary risk from pluvial flooding, resulting from the overtopping of the New Cut watercourse, some 400 metres to the south of the appeal site, and which the appeal site drains into.
28. The second FRA makes a number of conclusions regarding the effect of the appeal development on this flood risk, suggests further research may be needed and that further restrictions of surface water discharges from the site should be considered. Reference is also made to the appeal development worsening flood risk on nearby land and downstream at Earby. However, this risk is not quantified and acceptable discharge rates from the site are not specified.
29. I note the photographic and anecdotal evidence, including in the second FRA, regarding past flooding at the appeal site and elsewhere, and measures that have been undertaken to reduce the risk of flooding. However, no substantive evidence from any source has been provided that causes me to question the

⁷ 7325 Fig 3 Rev B

⁸ Appendix H Appellant's FRA - 11 December 2018 Rev B

⁹ PPG - Paragraph: 005 Reference ID: 21a-005-20190723 Revision date: 23 07 2019

methodology or results of the appellant's FRA, which shows that the appeal site can be developed safely without worsening flood risk elsewhere.

30. The Lead Local Flood Authority (LLFA), which amongst other things is responsible for the management of surface water flood risk, was consulted on the appeal development and did not object to it, subject to conditions.
31. Some objections refer to sewer flooding problems that would be made worse by the appeal development. Yorkshire Water, which amongst other things manages the public sewers in the area, was consulted on the appeal development and did not object to it subject to conditions.
32. No substantive evidence has been provided that causes me to question the consultation responses of the LLFA or Yorkshire Water, with regard to flood risk at and from the appeal site.
33. Reference is made to an independent assessment of flood risk commissioned by the Council, which is said to confirm the LLFA's position that with suitable conditions, there would be an acceptable flood risk both on-site and off-site. However, this document is not in the evidence before me, despite being referenced in the Council's Update Report on Planning Applications¹⁰, and I therefore give it very limited weight.
34. For these reasons, the proposed development would not result in an unacceptable risk of flooding. The proposal would be generally consistent with Policy ENV7 (water management) of the PLPCS and would accord with the Framework. I give significant weight to the Framework as a material consideration and in this case, this would outweigh the limited inconsistency with the greenfield discharge rate contained in Policy ENV7.

Other Matters

35. The appellant's FRA states 'volumetric discharge from the developed site for the 1:100 year 6 hour rainfall event has been calculated as 335.6m³'. This is a different and lower figure to that referred to elsewhere in the FRA, including with regard to the calculations provided at Appendix H. The lower figure does not affect the conclusion of the FRA and I have not, therefore had regard to it.
36. An Ecological Survey has been undertaken and concluded that the appeal site does not have a high biodiversity value, although this could be improved by appropriate landscaping and other works linked to the appeal development.
37. Reference is made to a nearby geodiversity asset. However, it is not clear from the evidence where this is in relation to the appeal site, and I give this very limited weight.
38. The appeal site is said to be Grade 3 agricultural land, currently grassland, which would be permanently lost. No substantive evidence has been provided that the loss of this grassland would significantly affect the predominantly agricultural function of the area. Furthermore, whilst Government guidance includes Grade 3a land as amongst the best and most versatile agricultural land¹¹, there is no evidence that the appeal site is Grade 3a land.

¹⁰ Policy and Resources Committee - 19 March 2019

¹¹ Glossary to the Framework.

39. The impact of the proposed development in terms of transport has been raised by a number of objectors, including with regard to increased traffic volumes, the need for occupiers of the appeal site to drive for grocery shopping or for recreation, the existing access to, and speed limit of, Kelbrook Road. The Highway Authority was consulted on the application proposal and did not object, subject to conditions requiring a wider main access to Kelbrook Road and preventing a secondary access to the southeast being used by occupiers of the site. There is no substantive evidence before me that the proposal, with appropriate conditions, would adversely affect highway safety in the area.
40. A number of objections have been made concerning the impact of the appeal development upon Salterforth's infrastructure, given it is said to have limited facilities. There is no evidence that the existing use, with planning permission for 42 touring pitches and 30 static caravans, has caused any harm to Salterforth. Furthermore, no substantive evidence has been provided to demonstrate that the appeal development would be likely to have an unacceptable impact upon the infrastructure of the settlement. It is also likely that businesses, such as shops, public houses or restaurants in Salterforth and the surrounding area would benefit from increased numbers of visitors.
41. Some objectors are concerned that the appeal development would adversely affect tourism in the area, by developing part of the countryside that people wish to visit. In my view, the visual impact of the development on the rural character and appearance of the area would not be significant and in providing holiday accommodation, it is likely that tourism businesses would benefit from the proposal.
42. Comments have been made that some of the caravans are not used for holiday accommodation but are permanent residences, which is said to be contrary to the existing planning approval. This matter is not relevant to this appeal.
43. Some objectors are concerned that the appeal development would set a precedent for further development of the countryside in the future. However, each proposal, including any future development, should be considered on its individual merits and with appropriate regard to the development plan and material considerations.
44. Concerns have been raised about the impact of the development on the area, in terms of disturbance from noise and lighting, including from vehicles. The proposed development would be adjacent to an existing caravan site, and whilst it would be closer to the nearby dwellings to the south, there would still be significant separation distances. In my view, the impact of the proposed development, with suitable landscaping and lighting which can be controlled by condition, would not significantly affect nearby residents, wildlife or the character and appearance of the area.

Conditions and Conclusion

45. In addition to the standard commencement condition, the Council has suggested a number of other conditions, which I have considered in light of Government guidance. For reasons of certainty conditions requiring the development to be undertaken in accordance with approved plans and specifying the maximum number of pitches / units would be necessary.

46. A condition confirming the caravan pitches / units to be used for holiday purposes only would be necessary to protect the living conditions of future occupiers. Conditions requiring the static caravans to be finished in an agreed colour, and a detailed landscaping scheme to be approved by the Council would be necessary to protect the character and appearance of the area. A condition requiring identified ecological mitigation and compensation measures to be implemented would be necessary to support biodiversity.
47. A condition requiring minimum parking and turning spaces to be provided would be necessary to protect the living conditions of future occupiers. Pre-commencement conditions requiring works to the junction of Kelbrook Road and the site access road to be approved, and the vehicular access to the site from the private road to Bashfield Farm permanently closed and permitted development rights¹² restricted, would be manifestly necessary to protect highway safety.
48. A pre-commencement condition requiring facilities for the cleaning of vehicle wheels during the construction period would be manifestly necessary to protect highway safety. The approval of a condition setting out a scheme for the external lighting of the appeal site would be necessary to protect the character and appearance of the area and avoid harm to wildlife.
49. Pre-commencement conditions concerning the approval of a scheme for surface water management and drainage of the site and its future maintenance; the management of surface water and pollution during the construction period; and the separation of foul and surface water on and off site would be manifestly necessary in order to effectively manage flood risk and pollution over the lifetime of the development.
50. For the reasons given above and taking into account all matters raised, I conclude that the appeal should be allowed.

Andrew Parkin

INSPECTOR

¹² Under the Town and Country Planning (General Permitted Development)(England) Order 2015

Annex A – Conditions

1. The development permitted shall be begun before the expiration of three years from the date of the permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 400 Rev C, 503 Rev H, 7325/020, 7325/021, 7325 Fig 3 Rev B, 200 Rev B.
3. There shall not be more than 20 touring caravan pitches and 36 static caravans sited within the approved application site and they shall be laid out in accordance with the approved plan 503 Rev H.
4. The caravan pitches / static caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.
5. All static caravans shall be finished/painted prior to being brought on to the caravan park in a colour to be first agreed in writing by the Local Planning Authority and thereafter maintained in accordance with the approved colour.
6. Provision shall be made within the site for the parking of not less than one car per caravan pitch / static caravan, together with turning spaces such that vehicles serving may both enter and leave the site in a forward gear, in accordance with the approved plans. The caravan pitches /static caravans hereby approved shall not be occupied unless and until the access, parking and turning areas have been laid out, surfaced and made available for use and the parking and turning area shall thereafter remain free from obstruction and available of parking and manoeuvring purposes at all times thereafter.
7. The use hereby approved shall not commence unless and until the works to the junction and access road detailed in drawing Nos. 7325/020, 7325/021 have been completed in accordance with a scheme of construction of the site access to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to the junction.
9. The use hereby approved shall not commence unless and until the existing vehicular access to the site from the access road to Bashfield Farm has been physically and permanently closed and thereafter, notwithstanding the provisions of Part 2 classes A and B of the second schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no vehicular access to the site from the access road to Bashfield Farm.
10. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
11. No caravans shall be sited on the approved application site unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;

- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the use of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

- 12. The development shall be carried out and operated in full accordance with the mitigation and compensation recommendations of the Ecological Impact Assessment dated 13/08/2018. No caravans shall be sited on the approved application site unless and until a scheme for the installation of bat boxes has been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved scheme prior to the commencement of the use of the development and maintained thereafter.
- 13. No external lighting shall be installed within the approved application site unless and until details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.
- 14. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
 - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage strategy should demonstrate that post development surface water run-off from the application site will not exceed a maximum rate of 9.1l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
 - c) A site layout plan showing flood water exceedance routes, both on and off site;
 - d) A timetable for implementation, including phasing as applicable;

e) Details of water quality controls, where applicable.

f) Details of an appropriate management and maintenance plan for the surface water drainage scheme for the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

15. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in strict accordance with the approved details.
16. The site shall be developed with separate systems of drainage for foul and surface water on and off site. No development shall commence unless and until details of the foul water drainage have been submitted to and approved in writing by the Local Planning Authority. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 4 (four) litres per second.