
Appeal Decision

Site visit made on 25 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2020

Appeal Ref: APP/H1840/W/20/3254110

Offenham Park, Cleeve Road to Three Cocks Lane, Offenham, WR11 8QT

- 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 Mrs Karen Pilling against the decision of Wychavon District Council.
 - The application Ref 18/02412/FUL, dated 16 November 2018, was refused by notice dated 31 March 2020.
 - The development proposed is the change of use of land for the siting of 116 static holiday caravans (no increase in number permitted).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the potential occupants of the caravans would be safe from flooding.

Reasons

3. Offenham Park (the park) is an existing caravan park off the B4510 road. The caravans are raised above the ground on blocks resting over a hardstanding and the doors are accessed by steps. The caravans are arranged close to the park's internal road and parking is typically alongside on well mown grass.
4. The appeal site is an open area of rough grass immediately adjacent to the current park with the river to one side (west). The appellant's Flood Risk Assessment (FRA) comments on a 2007 topographical survey that the appeal site is generally flat, with a gentle fall to the south east away from the river.
5. The appeal site, the wider park and the vehicular access are all within Flood Zone 3b. The Planning Practice Guidance (PPG) states Flood Zone 3b has an annual possibility of flooding at 1:20 (5%), consequently it is a functional flood plain. Indeed, the FRA notes that there is a history of flooding on the appeal site. The FRA states that Environment Agency modelling for the appeal site suggests a 1:20 year flood event would generate 1.33m high flood water. The PPG states that even low levels of flood water can be hazardous.
6. The PPG confirms that static holiday caravans are regarded as 'more vulnerable'. The flood risk vulnerability and flood zone compatibility table in the

PPG precludes proposals for vulnerable uses in Flood Zone 3b. This indicates that the occupants would be at very significant risk of flooding.

7. Paragraph 157 of the National Planning Policy Framework (the Framework) affirms that in such zones a sequential test should be used. Paragraph 158 of the Framework states that the purpose of the sequential test is to steer new development to areas with the lowest risk of flooding. The PPG indicates that usually a local authority area can form the basis for a search for alternative sites. The Council state that other sites are available free of flood risk. The appellant has not disputed the availability of sites elsewhere but states that the appeal proposal should be looked at pragmatically and suggests that it offers flood risk benefits. However, as alternative sites are available, the proposal would fail this sequential test.
8. Policy SWD 36 of The South Worcestershire Development Plan is specific to caravan sites and their extension. The first criterion is that the site is not within Flood Zones 2 or 3. The proposal would be directly contrary to this policy, particularly so being in Flood Zone 3b.
9. Offenham Park has a certificate of lawful proposed use or development for the stationing of 116 caravans (on the existing park, not the appeal site) and only 78 have been installed. The appellant offers swapping 16 of these on the established site for the appeal site and reducing overall number of caravans on the whole park by 8. This would also avoid the part of the site nearest the river and where the two channels converge which would be likely to lead to a greater speed of flood water.
10. The above certificate was issued in 2006. Whilst there may be increased demand now, this would be likely to fluctuate over time due to numerous socio-economic factors which may well be national influences. Furthermore, the indicative layout showing such numbers would be very dense with little spacing and limited outward views, which would not be attractive to occupants who want a pleasant riverside setting for their holiday. The whole site would be densely filled up with caravans. Moreover 14 years has lapsed since that certificate was issued and only 78 pitches have been undertaken out of a potential 116, which is a significant shortfall. I therefore consider the likelihood of this fallback being implemented would be remote and consequently afford it limited weight.
11. In any event, I noted on site that the appeal proposal would result in caravans being sited further away from the site access which would mean rescue and means of escape would be harder. In addition, this siting would disperse the caravans which would make it harder for the emergency services.
12. The FRA also suggests that each caravan could be fitted with 6 floatation devices and 2 anchors. A condition is suggested; however, it is not clear how the maintenance and ongoing longevity of these measures would be guaranteed. Similarly, no quantified evidence has been submitted on the adequacy of such measures in terms of the height and force of flood water in severe flood events. The FRA also suggests that a 'Flood Warning System' would be in place which was successfully used here in 2012 and 2018. However not all flood events will be predictable, and this cannot be wholly relied upon. Furthermore, the necessity for such measures indicates to me that the proposed development would be completely against the ethos and objectives of

the Framework and PPG in steering development to areas with the lowest risk of flooding.

13. The appellant refers to a 2006 planning appeal decision¹ which was allowed without a sequential test. However, there are notable differences to this case. That proposal involved new houses which replaced existing units and more flood resilience could be provided. There is reference to the unique nature of the site and it is stated it is highly likely that a formal sequential test would have led to the same conclusion that there is no suitable alternative site. The other decision cannot therefore be taken as a compelling precedent.
14. Accordingly, the proposal fails the sequential test. The proposal would be a vulnerable use within the most hazardous flood zone. I therefore conclude the potential occupants would be at risk from flooding.
15. The proposal would provide high quality tourist accommodation. This would have economic benefits as the occupants would spend on goods and services in the locality. The caravans would also allow the occupants easy access to the countryside. However, these socio-economic benefits would not outweigh the risk from flooding.

Conclusion

16. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR

¹ APP/Q3630/A/05/1186514