
Appeal Decision

Site visit made on 1 June 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/A2525/W/21/3267554

**4A Gimmel's Gate, Sutton Crosses, Long Sutton, Spalding, Lincolnshire
PE12 9AS**

- 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 John Heading against the decision of South Holland District Council.
 - The application Ref H11-0934-20, dated 11 November 2020, was refused by notice dated 18 December 2020.
 - The development proposed is the siting of a caravan for permanent residential use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development from the appeal form as this describes the proposal succinctly. Even so, I have taken the additional information in the description on the application form into account in coming to my decision.
3. I observed at my site visit that the caravan is occupied, therefore, I am determining the appeal retrospectively.

Main Issues

4. The main issues are (i) whether the appeal site is a suitable location for the development having regard to national and local planning policies and access to services and facilities; and (ii) flood risk.

Reasons

Location

5. Sutton Crosses comprises a number of groups of dwellings and buildings spread out along rural lanes to the south side of Long Sutton and separated from it by the A17. The appeal site is a fenced area of land, said to have previously been used for business purposes, located on Gimmel's Gate adjacent to other dwellings, buildings and uses clustered close to the junction of Gimmel's Gate and Roman Bank.
6. The touring caravan is located within the fenced area of the appeal site together with several containers and other buildings. The site is accessed from Gimmel's Gate.

7. Policy 1 of the South East Lincolnshire Local Plan 2011-2036 (2019) (Local Plan) sets out the spatial strategy for South East Lincolnshire¹, identifying a hierarchy of settlements based on their sustainability. The appeal site lies outside the nearest settlement boundary, which comprises the main service centre of Long Sutton. Sutton Crosses is therefore in the Countryside for the purposes of planning policy as is the appeal site. In such locations Policy 1 permits development that is necessary to such a location and/or where it meets the sustainable development needs of the area in terms of economic, community or environmental needs.
8. Policy 1 broadly accords with the National Planning Policy Framework (the Framework) where it promotes sustainable development in rural areas, including by requiring housing to be located where it will enhance or maintain the vitality of rural communities.
9. Whilst the spatial strategy set across several policies in the local plan identifies a number of exceptions where housing may be supported in the countryside, the proposed development does not fall within any of these. The appellant has not drawn to my attention any specific need for a permanent residential caravan in this location other than the land being retained by the appellant following the sale of the adjacent bungalow. This alone does not justify the establishment of a caravan for permanent residential occupation in a countryside location.
10. The nearest services and facilities to meet the daily needs of occupants of the residential caravan are in Long Sutton. The Council refers to paragraph 108 and 110 of the Framework which seek to ensure that safe and suitable access to sites can be achieved for all users giving priority to pedestrian, cycle movements and public transport. Paragraph 103 of the Framework does however acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
11. I saw during my site visit that there are a range of services and facilities within Long Sutton. For the most part these services and facilities are some considerable distance from the appeal site and are unlikely to be accessed by walking or cycling because of the busy nature of the A17 and the lack of footpaths and cycle lanes along Gimmel's Gate and the majority of Brown's Gate. Given the distances involved and the limitations of the immediate rural roads I consider that it is likely that most of the trips to access services and facilities from the appeal site would be by car. Therefore, those occupying the caravan on a permanent basis would not be provided with the opportunity to maximise the use of sustainable transport facilities even when accepting that the site is a rural location. In addition, there is no evidence that residential accommodation at the appeal site would bring economic, environmental or community benefits in the terms set out in Policy 1.
12. I acknowledge that the site has its own electricity and water supply and its own septic tank, however, having such services on site does not justify its use for residential purposes where such development is not supported by the Council's local planning policies.
13. Overall, I conclude that the appeal site is not a suitable location for a caravan for permanent residential occupation having regard to national and local

¹ Which includes Boston Borough and South Holland District

planning policies and the accessibility of services and facilities. As a result, the development would conflict with the spatial strategy for the area set out in Policies 1 of the Local Plan and does not accord with any of the exceptions to the restriction of development in the open countryside set out across Policies 2, 3, 4, 10, 11, 19, 20, 22 and 23 of the Local Plan. It would also conflict with the Framework.

Flood risk

14. The planning practice guidance sets out that caravans intended for permanent residential use are highly vulnerable uses in areas of flood risk. The appeal site is located within Flood Zone 3a where there is a high probability of the risk of flooding.
15. Paragraph 155 of the Framework states amongst other things that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 158 of the Framework confirms amongst other things that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
16. Policy 4 (Approach to Flood Risk) of the Local Plan also seeks to steer development to areas at lower risk of flooding, development should only be considered following the Sequential Test (and, if required the Exception Test) and where, informed by a site-specific flood risk assessment (FRA), it can be demonstrated, among other things, that the vulnerability of the proposed use is compatible with the flood zone.
17. The appeal is not supported by any evidence that a sequential test has been undertaken and I have no FRA before me. Whilst I acknowledge the appellant's desire to live on land that they own, it has not been demonstrated that there are no suitable alternative sites at lower risk of flooding and in the absence of an FRA, the proposal fails to adequately address the safety of future occupiers of the caravan with regard to the level of flood risk. Therefore, there is no justification for a permanent residential caravan in a flood risk area.
18. The appellant refers to a number of other sites that have been given planning permission within flood zone 3. I have not been provided with any details of these other sites. Even so, the Council provides a response which confirms that some of the sites were subject to specific policy considerations that do not apply to the appeal proposal. Nevertheless, in final comments, the appellant states that the Council has not provided reasons why touring caravans have been allowed at nearby sites. Whilst I am not aware of the particular sites referred to, caravans not to be occupied on a permanent basis are classed as 'more vulnerable' rather than 'highly vulnerable'. Therefore, the approach to development of touring caravans in flood zone 3 is not comparable with the appeal proposal.
19. In the absence of any evidence to the contrary, I conclude that it has not been demonstrated that there are no reasonably available sites in areas at lower risk of flooding and the proposal would not be acceptable having regard to the flood risk requirements in Policy 4 of the Local Plan and the Framework.

Other Matters

20. I acknowledge that the appellant and his wife have experienced health problems, but I have not been provided with any specific reasons as to why this would necessitate living in a caravan at the appeal site. I therefore can attach only limited weight to the particular circumstances of the appellant and his wife in reaching my decision.

Conclusion

21. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR