



Appeal Decision

Site visit made on 30 March 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/A2335/W/21/3288594

**Redwell Caravan Park, Kirkby Lonsdale Road, Arkholme, Carnforth
Lancashire LA6 1BQ**

- 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 J McCarthy Esq of McCarthy Caravans against the decision of Lancaster City Council.
 - The application Ref 21/00076/FUL, dated 16 January 2021, was refused by notice dated 30 September 2021.
 - The development proposed is described on the application form as 'change of use open space siting 7 static caravan (holiday) 4 amenity spaces plus additional landscaping'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on wildlife;
 - whether the appeal site represents a suitable location for the development;
 - whether the proposed development would provide adequate living conditions for existing and future occupiers of the caravans with particular regard to outdoor space.

Reasons

Wildlife

3. The appeal site relates to an existing static caravan site to the rear of a public house located adjacent to Kirkby Lonsdale Road (B6254). The surrounding area comprises of attractive open farmland with large areas of woodland. It is away from any settlement and lies just outside the Forest of Bowland Area of Outstanding Natural Beauty.
4. It is proposed to install seven static caravans over an existing undeveloped area to the northern edge of the existing caravan site. The area is termed 'amenity space' on the existing plans and is separated from the adjacent field by a hedgerow. The area comprises predominantly of rough grassland although there a substantial number of small trees and shrubs growing within the area. It has a natural appearance, and the appellant states the land is not maintained, improved or managed. Access by visitors to this area is also understood to be limited.

5. Policy DM52 of the Lancaster Development Plan Document (2020) (the Local Plan) states that proposals for new static and touring caravan sites, or the extension of an existing site, will be supported in principle in particular circumstances. These are where they are outside of areas of landscape importance, in appropriate and sustainable locations, designed to an appropriate scale and subject to a number of other criteria. These include where: *'The proposal does not have an adverse impact on biodiversity and where appropriate seeks to raise the environmental value of the locality'*.
6. Paragraph 174 of the National Planning Policy Framework (the Framework) states that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other things, minimising impacts on and providing net gains for biodiversity.
7. The appellant's Preliminary Ecological Appraisal (the Report) sets out that the amenity area has some ecological significance and areas of such vegetation must be retained where possible and/or its loss must be compensated for by new planting. The proposed static caravans would occupy much of the amenity space currently occupied by tall ruderal vegetation with scrub. Their installation would involve the loss of the majority of this. Very little, if any, would be retained.
8. This in itself would, in all likelihood, result in a loss of biodiversity at the site. Nonetheless, the Report concludes that protection of trees, scrub and hedges on the site boundary and effective landscaping will promote structural diversity and encourage a variety of wildlife to use the site. The appellant states the proposal would result in biodiversity net gain as a result of the landscaping that is proposed.
9. A plan showing landscaping and planting has been provided but there is no professional comment on this in the Report. In the absence of this I cannot be certain whether what is proposed would amount to the 'effective landscaping' envisaged or whether it would adequately compensate for the vegetation that would be lost or lead to genuine improvements in biodiversity. Nonetheless there is considerable doubt in my mind in this regard. This is because the planting areas would be highly fragmented across the site, being limited to narrow strips and small pockets. Furthermore, these areas would be prone to disturbance due to their limited scale and being sited close to the caravans and access road. Indeed, the Report sets out that there is already a degree of disturbance due to the proximity of the adjacent caravans.
10. Therefore, on the basis of the information available to me, I am not satisfied that the proposed landscaping would adequately compensate for the potential harm to biodiversity arising from the proposal.
11. On the basis of the information before me and my above reasoning, the extent to which biodiversity may be affected is not clear. I cannot therefore legitimately resolve such matters via imposing conditions, as has been suggested to me by the appellant. Whilst I do not doubt the appellant's intention to provide appropriate biodiversity net gain, my assessment must be based on firm evidence in that regard.
12. I therefore cannot conclude that the proposal would not adversely affect biodiversity. The proposal would therefore conflict with Policy DM52 of the Local Plan.

Location

13. Policy DM52, referred to above, seeks to give priority to previously developed land. Where greenfield sites are identified it should be demonstrated that no alternative suitable brownfield sites exist in the locality. The appeal site is not previously developed land, however the proposal relates to development entirely within the confines of an existing caravan site with existing infrastructure. Furthermore, it would amount to just seven additional statics, a small number in the context of the existing site.
14. The appellant has not provided evidence to demonstrate that there are no other suitable locations in the locality. However, given that this relates to a redevelopment of an existing site, with limited effect on the landscape, it is difficult to envisage another location in the locality (which predominantly comprises of open farmland) that would be suitable and also constitute previously developed land.
15. As such, whilst the Policy seeks to give preference to previously developed land, in this instance, the location on a greenfield site is acceptable. It is noted that the site lies immediately to the rear of a pub which could provide some services. The proposal would also be within a short driving distance of the small settlement of Over Kellet which has some services and facilities.
16. For the above reasons I conclude that the proposed location would be acceptable and would not conflict with the aims of Policy DM52 of the Local Plan.

Living Conditions

17. Policy DM52 of the Local Plan requires proposals to maintain and enhance existing areas of recreational open space or create new areas of recreational open space which are of a proportionate scale.
18. As described above, the area that would be lost is an area of rough grassland and scrub. This appears to have been present for some time. My impression on the site visit was that walking across this land is difficult due to its overgrown nature and the prevalence of shrub vegetation. In my view, therefore, it is unlikely that this space is used for recreation by visitors to the caravan park. Nothing I have seen or read would lead me to conclude otherwise in this respect.
19. In terms of outdoor recreation, I note that many of the statics have sitting out areas, decking, platforms and outside seating adjacent. These would be unaffected by the proposal. Given its location surrounded by expansive countryside views, I am satisfied that the redevelopment of the amenity space would not adversely affect living conditions.
20. I therefore conclude that the proposal would provide adequate living conditions for existing and future occupiers of the caravans. The proposal would comply with Policy DM52 of the Local Plan in this regard.

Conclusion

21. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

