



Appeal Decision

Site visit made on 20 June 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/A2525/W/21/3281764

Land adjacent to Heron Cottage Camping and Caravanning, Frostley Gate, Holbeach PE12 8SR

- 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 Conners against the decision of South Holland District Council.
 - The application Ref H05-0027-21, dated 24 December 2020, was refused by notice dated 20 May 2021.
 - The development proposed is the change of use of land for an extension to existing caravan site.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of land for an extension to existing caravan site at Land adjacent to Heron Cottage Camping and Caravanning, Holbeach PE12 8SR in accordance with the terms of the application, Ref H05-0027-21, dated 24 December 2020, and the plans submitted with it, subject to the conditions within the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal would preserve the setting of Riverside House, a grade II listed building and the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would be affected by flood related matters.

Reasons

Character and appearance

3. The appeal site is within the open countryside. It consists of around half a field, subdivided along its length. It is adjacent to Riverside House and two parcels of land used to accommodate static caravans. The site is recessed from the Little South Holland Drain. It is bound to the north by hedging and mature tree planting. Views of the site and its surroundings are most overt from Raven's Bank. From the highway the surrounding area includes existing static caravan parks, Riverside House and Willow Tree Cottage and Heron Cottage. Consequently, the local area accommodates various types of residential activity. The site appears as an area of open land between built form, making a positive contribution to the rural character of the surrounding area.

4. The proposal relates to a change of use of land for the purpose of the siting of touring caravans during the summer months. It would operate as an extension to the existing camp site located behind the site. The appeal site is recessed from River's Bank and would be largely obscured from long views. This would be largely due to mature tree and hedge screening located on pockets of land to the sides of the site. The caravans would also be framed by planting to the rear of the site, providing a dense and verdant backdrop. These features would limit wider views of the proposal from a distant vantage and reduce its visual impact within the landscape.
5. Furthermore, hedge and tree screening could be introduced along the southern boundary to the front of the site. This would soften views from Riverside House and River's Bank and better integrate the development with the surrounding context. Furthermore, being substantially recessed from Little South Holland Drain, the majority of the field would remain open and absent of caravans. This would maintain the more exposed parts of the field, retaining the open character of the majority of the site and the positive contribution it makes to the surrounding countryside.
6. I am required to pay special attention and have regard to the desirability of preserving the setting of listed buildings¹. Riverside House (known as Bloodfold House on the listing description and historic maps) is a grade II listed building that originates from the early C19. This large farmhouse is redbrick with ashlar dressings and a slate roof that includes brick stacks on each gable end. It has sash windows and an entrance door that includes a Doric pilastered doorcase. The building stands within spacious wooded grounds with mature trees screening most of the building from Raven's Bank. Its significance seems to derive from its age and architectural detail and its traditional rural character in a countryside setting.
7. The proposed caravan park would be alongside but set behind the plot occupied by Riverside House. Whilst there are several side windows in the rear return of this building it mainly addresses Raven's Bank. Views are largely obscured by mature landscaping found on the shared boundary. Therefore, only parts of the building can be seen in views from the appeal site. Furthermore, although the appeal site forms part of the setting of Riverside House it is some distance from this building. Moreover, its orientation and relationship to its own plot limits its relationship with the appeal site. As a consequence, the proposal would not harm to the setting of the listed building and would preserve its significance.
8. Accordingly, taking the above points together, the proposal would complement the character and appearance of the surrounding area.
9. Consequently, the proposal would comply with policies 2, 3 and 29(A) of the Southeast Lincolnshire Local Plan (2019) (LP) and the Framework. These policies seek, among other matters, for development to respect the character and appearance of an area and preserve the significance of a listed building.

Flood issues

10. The site is within flood zone 3. LP Policy 4 states that development within flood zone 3 will only be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, would provide wider

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

sustainability benefits to the community and would be supported by a site-specific Flood Risk Assessment (FRA). Furthermore, the policy seeks to prevent development in areas where the Council's Strategic Flood Risk Assessment (2017) has identified areas of fluvial flooding where land is designated as a 'danger to most' and 'danger to all'.

11. The Framework states that development in areas that are at risk of flooding should be avoided by directing development away from areas at highest risk. It also states, at paragraph 161, that all plans should apply a sequential test to avoid flood risk and steer development toward areas with the lowest risk of flooding. If it is not possible to locate development in an area with a lower risk the exception test may be applied. An exception test would need to demonstrate that the development would provide wider sustainability benefits to the community to outweigh the flood risk and would be safe for its lifetime, without increasing flood risk elsewhere.
12. The appellant's FRA² identifies that the site is generally flat and between 2 and 2.5 metres above ordnance datum. The site is close to the Little South Holland Drain, which eventually drains into the River Nene, via the South Holland Drain. The nearest tidal flooding would originate from around 10 km from the site and would be likely to result in shallow flooding. The flood defences along the coast would reduce the risk of the site flooding to a 1 in 150 chance of flooding in any year. Models show that in a 1 in 200 year flood event part of the eastern site would flood to a depth of 0-0.25 metres and a linear area to the south of the site would flood to a depth of 0.25-0.5 metres. Overall, the site has been characterised as having a very low to low hazard rating, with a small area in the south-eastern corner having a "Danger to Some" rating from tidal flooding.
13. Planning Practice Guidance (PPG) states that when applying the sequential test, a pragmatic approach on the availability of alternative sites should be taken. It explains that when considering an application to extend an existing business it might be impractical to suggest that a more suitable site elsewhere may exist. The proposal would operate as an extension to the existing caravan park, with access obtained through the existing site to the north. Therefore, the proposed use could not be located elsewhere as it would be intrinsically connected to the existing business. Accordingly, the proposal passes the sequential test.
14. The PPG identifies the use of a site for short-let caravans and camping as 'More Vulnerable' to flooding in the flood zone. It advises that a site classified as 'More Vulnerable' to flooding can be appropriate for development if it passes an exception test. In consideration of the requirements of the test, the facility would assist the local community through providing a boost to local tourism and in growing a rural business. The site would also only be in use over the summer months, avoiding winter when the flood risk would be greater.
15. Furthermore, the Flood Warning and Evacuation Plan (FWEP) would enable the safe evacuation of the site. The FWEP would employ the EA's Flood Warning Service and provides for the delivery of effective communication, staff training and a safe evacuation route. As a result, subject to the adoption of the FWEP, the use would operate in a safe manner for the lifetime of the development. Moreover, the proposal would not result in an increase to flooding elsewhere as it would make no changes to land levels or the permeability of the existing

² Flood Risk Assessment, by RPS, dated 2 December 2021

ground. The development therefore passes the exception test of paragraph 164 of the Framework. Consequently, the proposal would not be adversely affected by flood related matters.

16. Accordingly, the proposal would comply with LP policies 2 and 4 and the Framework. These policies seek development that, among other matters, demonstrates that the vulnerability of the site is compatible with the flood zone and includes mitigation measures to keep occupants safe and protected from flooding.

Other Matters

17. The proposal would deliver economic, social and environmental benefits through the growth of a facility that supports tourism, which is supported by LP policy 9. This policy encourages small scale development that would support the visitor economy provided it would be in character with the locality and can demonstrate a functional link with an existing rural attraction, as I have found in this case. I am also cognisant that domestic tourism has a significant role to play in the Government's levelling up agenda and in supporting the growth of the rural economy, matters that attract significant weight in the planning balance.
18. Interested parties have raised concerns with respect to the nature of local roads and their ability to accommodate the additional traffic associated with the use. The proposal would make use of the existing access into the caravan park to the north of the site. The access onto Frostley Gate is of a good standard and enables good visibility in both directions. I recognise that the nearby bridge is relatively narrow and the B1165 accommodates comparatively fast-moving traffic. However, traffic associated with the proposal would be relatively limited and would not pose an appreciable increase to the risk of accidents on local highways. I also note that no objection was raised by the Highway Authority, a point of significant weight in support of the proposal.
19. Concerns raised with respect to surface water flooding are not supported with compelling evidence. Due to the absence of hardstanding, the proposal would be unlikely to materially increase off-site surface water flooding. Nevertheless, comments raised by the Council in the officer report illustrate that foul water drainage could raise capacity issues locally. The proposed use would be operated in connection with the existing caravan park, where foul water drainage needs would be likely to be provided within the main site. A condition could be imposed to ensure that foul water drainage systems are upgraded where necessary to meet the needs of the proposal.
20. The siting of touring caravans on the site during the summer period may raise noise levels. However, noise levels caused by further visitors in the area, would be unlikely to be substantive and would be intermittent, resulting in a negligible impact overall.
21. The site has an inherent arable land value. However, a large part of the district includes Grade 1 and 2 quality farming land and this does not therefore offer a compelling reason to resist the proposal.
22. The wildlife value of the site would be limited due to its grassland nature. No compelling evidence has been submitted to indicate that protected species would be affected by the proposal. Furthermore, the proposed use would result

in minimal intrusion into the land. Nevertheless, a condition could be imposed to secure enhance biodiversity measures to offset the limited loss of grassland due to the site's rural location and it's connection with the surrounding land.

Conditions

23. I have considered the use of conditions in line with the guidance set out in the PPG. The Council has suggested the imposition of 7 conditions. I shall impose these with some minor amendments and adjustments for clarity.
24. It is necessary for details relating to a foul drainage strategy, a landscaping plan and biodiversity enhancement measures to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to the use commencing because the proposal includes no operational development and the required mitigation must be in place prior to the use commencing. Planting and ecological conditions are required in the interests of the character and appearance of the area and to enhance biodiversity, in satisfaction of LP policies 2, 3 and 28. The drainage measures would ensure the development would be suitably drained in the interests of future users of the site and the prevent the proposal causing an adverse effect on the existing infrastructure.
25. Conditions are necessary to limit the appeal site to be used for touring caravans only and for a register to be maintained to ensure that the site is used strictly for holiday use. I have also included the requirement for caravans to not be located on the site over the winter period. This is to limit the use of the site to seasonal use only, to comply with the appellant's flood risk and landscape impact assertions, advice within the PPG and to comply with LP policy 4. A condition is also required to secure adherence to the Flood Evacuation Plan preventing flood risk to future occupiers of the site to comply with the PPG and the exception test.

Conclusion

26. The proposed development would be in accordance with the development plan when taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed, and planning permission is granted subject to the appended conditions

B Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: location plan reference: 1543-0001-02.
- 3) The touring caravans shall be used as holiday accommodation only and shall not be located on site between 1 November and 14 March of the following year. They shall not be occupied as a person's sole or main place of residence.
- 4) An up-to-date register of the names, main home addresses, visiting dates and length of stay of all visitors to the site shall be maintained at all times and be available for inspection by the Local Planning Authority.
- 5) Prior to the commencement of use, a landscaping and tree planting scheme (indicating, the number, species, heights of planting and positions of all the trees, together with details of post-planting maintenance), shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed in its entirety during the first planting season following the site being brought into use. All trees, shrubs and bushes shall thereafter be maintained by the owner or owners of the land on which they are situated, and all losses shall be made good as and when necessary.
- 6) The development hereby permitted shall be carried out in accordance with the provisions of the Flood Risk Assessment and Flood Warning & Evacuation Plan, by RPS Consulting Services Ltd (RCEF78147 001) dated 04 December 2020.
- 7) Prior to the commencement of use, details of ecological biodiversity measures to be installed in conjunction with the use, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be constructed/installed in accordance with the details so approved prior to the use being brought into use and shall thereafter be retained.
- 8) Prior to the commencement development, foul water drainage details shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented prior to the first use of the site.

End of conditions