



Appeal Decision

Site visit made on 30 November 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/A2335/W/22/3300888

Old Waterslack Farmhouse, Waterslack Road, Silverdale LA5 0UH

- 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 Brian Hevey against the decision of Lancaster City Council.
 - The application Ref 21/01089/FUL, dated 24 August 2021, was refused by notice dated 13 December 2021.
 - The development proposed is redevelopment of existing holiday caravan site and change of use of land to provide two additional pitches for a total of 6 timber lodges (which meet the definition of caravans as defined in the Caravan Sites Act) infrastructure and biodiversity and planting improvements and removal of condition 2 on the original consent (Application No 01/89/0181) to permit all year-round holiday occupancy.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form is listed above, although on the appeal form it is shown as Ford Lane, Silverdale, Lancaster, Lancashire LA5 0UH. Ford Lane and Waterslack Road adjoin the site and I am satisfied that the application and the appeal relate to the same site.
3. The site has been considered in accordance with Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development has been screened as it is within a 'sensitive area', in this case the Arnsdale and Silverdale Area of Outstanding Natural Beauty, as defined by Regulation 2 of the EIA Regulations. The proposal was found as not likely to have significant effects on the environment and so an Environmental Statement is not required. Therefore, this matter does not need to be considered further.
4. The site is within 78m of Morecambe Bay Pavements SAC and within 1.7km of the Morecambe Bay and Duddon Estuary SPA, Morecambe Bay SAC and Morecambe Bay Ramsar site. As such a Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended) requires a Habitats Regulations Assessment. An appropriate assessment undertaken by the Council, as competent authority concluded that the proposal will not result in adverse effect on the integrity of the above sites. Notwithstanding this, as I am dismissing the appeal, it is not necessary to address this matter further.
5. Further details were submitted by the appellant, accompanying the Appeal, following the decision by the Council. These include a Tree schedule, May 2022,

Tree survey, 8 June 2022, Arboricultural Impact Assessment, 8 June 2022 and Arboricultural Method Statement, 8 June 2022. I have considered whether these plans and reports should be accepted in light of the 'Wheatcroft principles'¹. Whilst these reports have not been subject to formal consultation, they have been seen by the Council who has had the opportunity to comment on them. Therefore, I have chosen to accept these additional reports.

Main Issues

6. The main issues are:

- Whether the proposal conserves and enhances the character and beauty of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB); and
- Whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding; and
- The effect of the proposal on trees and biodiversity; and
- Whether the existing foul drainage is adequate for the site.

Reasons

Arnside and Silverdale AONB

7. The appeal site is within a cluster of buildings separated on one side by the railway line and on the other by Eaves Wood, an extensive woodland area. The site is also characterised by small areas of pasture with small outcrops of limestone within them and dry-stone walls. The land gently rises from the road through the caravan site, along the public right of way and into the woodland beyond. Despite the two existing caravans that were on the site at the time of the site visit, the site appears as a quiet and rural backwater.
8. The site is within the Arnside and Silverdale AONB. Such areas are designated for the purposes of conserving and enhancing natural beauty and section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. Paragraph 176 of the National Planning Policy Framework (the Framework) advises that 'great weight should be given to conserving the landscape and scenic beauty' within AONBs 'which have the highest status of protection in relation to these issues'.
9. Arnside and Silverdale AONB is defined by the underlying carboniferous limestone that results in species-rich limestone grasslands, limestone pavements, extensive areas of woodland and agricultural fields. The AONB is located on Morecambe Bay and so has a rich coastal ecology. Farmsteads, field barns, stone walls, settlements, archaeological sites and historic landscapes also contribute to the character of the AONB.
10. Whilst there is an existing permission for four caravans on the site, this is within a flat and defined area which does not impinge on the wider setting of the site. Although the appellant has stated that there would be no change in land levels of the adjoining land where the two new chalets are proposed, this area is slightly undulating and has limestone outcrops within it. These would

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

need to be removed to create a level area for the timber lodges. Whilst the existing caravans are not attractive, they are limited in scale and, from outside the site at least, are screened by fir trees, which although they are not native to the area, do reduce the impact of the site on the wider area.

11. The proposed lodges would have three bedrooms and two bathrooms and a decking area to the front, over three metres in depth. The lodges would therefore be substantial structures, timber clad and with metal roofs. The lodges would be sited in a line resulting in a very regimented layout. This would appear as an alien and inappropriate form of development in this wooded, rural setting. Additionally, the Council has stated that the hardstanding on the site would be increased by some three-fold to c.1400 square metres. Therefore, the size of the lodges, the extent of the hardstanding, plus infrastructure, a bin store and other goods, would harm the character and appearance of the site and its setting. Whilst the existing caravans could be replaced by timber lodges without planning permission, the lodges that are currently proposed are much larger than the existing hardstanding could support.
12. The appellant has stated that he wishes to make a more sustainable and eco-friendly business by replacing the caravans with timber lodges, which he considers are more ecologically sound. It is also seen as an opportunity to upgrade facilities on the site and also expand the tourism offer by providing a pick-up service from the railway station, electric vehicle charging points and cycling opportunities. The appellant considers that timber lodges would more readily, than caravans, assimilate into the landscape. However, whilst caravans are often lightly coloured, they are much smaller than the proposal. The overall size and scale of the lodges would increase their prominence in the site. This combined with the increased number of visitors that the lodges could hold would put more pressure on the AONB and the landscape and character that it seeks to retain.
13. Although the appellant considers that the only way to achieve a viable expansion of the site is to increase the number of pitches, this would extend the hardstanding to the rear of the existing area and into the adjoining field. This would result in the urbanisation of this open area of grassland which would affect the pleasant and rural setting of the site and the trees within it.
14. A public right of way passes through the site up into Eaves Wood one way, and across the railway line, the other. This appears to be well used. An Ecology Plan has proposed further planting to ensure screening the proposal from the public right of way. However, the footpath when entering Eaves Wood is considerably higher than the caravan park and so it is not clear how the enlarged caravan site can be suitably screened from this vantage point. Therefore, views from the public right of way, which retain a rural outlook of the fields and trees within the site, would instead be of six large lodges which would appear incongruous in this protected landscape.
15. I therefore conclude that the proposal would fail to conserve and enhance the character and beauty of the Arnsdale and Silverdale AONB. The proposal would not accord with Lancaster District Local Plan 2011-2031 (LP) Policy EN2 and DM46 and Arnsdale and Silverdale AONB Development Plan Document (DPD) Policy AS01 and AS02 which seeks to conserve and enhance protected landscapes and AONBs. It would also not accord with design guidance in Policy AS08 of the DPD and Policy DM29 of the LP which seeks to achieve high quality

design appropriate to the character of the site and its surroundings. In addition, the proposal would not accord with Policy AS11 of the DPD and Policy DM52 of the LP which provide strict criteria regarding camping, caravan and visitor accommodation within the Arnside and Silverdale AONB. This includes requiring that where greenfield sites are identified it should be demonstrated that no alternative, suitable brownfield sites exist in the locality. The policy would also not accord with chapters 12 and 15 of the Framework.

Flooding

16. The caravan site and the proposed extension are located within flood zone 2 and 3. A sequential test to steer development away from those areas of the site with the highest risk of flooding is therefore required. The appellant considers that as the proposal is for two holiday lodges on an existing site, it is not practical or appropriate to apply the sequential test. Whilst the Council have agreed that as it is an existing business, a sequential test outside the land ownership of the site is not reasonable, they do, however, consider that the sequential test should have extended to other sites within the landholding, such as the existing equestrian arena.
17. The National Planning Practice Guidance (NPPG) advises a pragmatic approach involving comparatively small extensions to existing premises where it may be impractical to accommodate the additional space in an alternative location. I viewed the suggested locations for the lodges, and these would not be practical or suitable in terms of visual and landscape effects. Therefore, based on the circumstances of this case, it has met the sequential test and so the exception test needs to be applied.
18. The appellant submitted a Flood Risk Assessment (FRA). In order for the exception test to be passed, the proposal needs to demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
19. Although the Council considers that the FRA does not accord in full with the standing advice provided by the Environment Agency (EA), the EA consider the proposal to be acceptable and recommended a number of conditions. These are that finished floor levels of the units shall be set no lower than 600mm above ground level, the units should be anchored to the ground, only used for holiday purposes, and no ground levels would be raised within the flood zone.
20. However, in the absence of further information on proposed levels, it is not proven whether the appellant would be able to achieve the extension of the hardstanding without raising ground levels. In addition, raising the cabins to 600mm would increase their height and prominence. The ground levels within the proposed extended area are not level. In the absence of further information on proposed levels, it is not proven whether the appellant would be able to achieve the extension of the hardstanding without raising ground levels. It would, however, appear to be achievable that the appellant could anchor the lodges to the ground and that there could be a condition restricting the use of the lodges to holiday purposes.
21. I therefore consider that based on the information submitted, that there is no guarantee that the development would be able to achieve the requirements

necessary to make the development acceptable within flood zones 2 and 3. The proposal would therefore not accord with DMD Policy DM33, which covers flood risk and Policy DM52 which requires proposals to address and mitigate against flood risk on sites that include holiday caravans. It would also not accord with the Framework.

Trees and biodiversity

22. I have accepted the additional reports on the trees on the site and their protection, submitted by the appellant following the determination of the application. The proposal includes the removal of two trees, a leylandii and an ash tree, the latter suffering from ash dieback. It is proposed to plant four new trees, two sweet chestnuts and two English oak.
23. These reports and an ecology plan provide general principles of providing ecological and bio-diversity net gain on the site. However, the level of detail that is required within a nationally designated area, with internationally important sites in the vicinity has not been provided. I therefore do not have the assurance that the necessary level of protection of the existing biodiversity of the site and achieving biodiversity gain would be achieved. The proposal therefore does not accord with LP Policy DM29 requiring the enhancement of the environment and Policy DM45, the protection of trees, hedgerows and woodlands, plus DMD Policies AS02 and AS04 relating to landscapes and the natural environment. The proposal would also not accord with chapter 15 of the Framework.

Foul drainage

24. The proposal would use an existing package treatment plant which the appellant says has been regularly serviced and is suitable to cater for 25 people. The proposal is, however, for six lodges, each with three bedrooms. Therefore, if all the lodges are hired out, up to six people would be residing in each lodge. This would mean that up to 36 people would be utilising the package treatment plant at any one time. This would exceed the numbers that the treatment plant could cater for.
25. As limited details of the existing system and capacity have been provided, if the system is found to be inadequate to cope with the increase in numbers, a new treatment plant would be required. This has the potential to affect the overall environment of the site, including the ecology and so a condition in such circumstances is therefore not appropriate. Therefore, it has not been demonstrated that the existing foul drainage is adequate for the site. The proposal would not accord with DMD Policy AS12 which requires this to be demonstrated. It would also not accord with chapter 15 of the Framework.

Other Matters

26. Matters relating to designated recreational open space, parking provision and the effect on living conditions of neighbouring properties are considered acceptable, however as I am dismissing the appeal, they have little bearing on my decision.
27. Whilst the appellant considers that the expansion of the site would support local businesses, two additional lodges would only provide a limited addition to the rural economy. Despite any potential benefits that might occur as a result, this would not outweigh the harm that has been demonstrated.

28. Surface water drainage would be by a soakaway to the south of the site. However, there has been no testing of ground conditions to see if it is suitable for infiltration. However, as I am dismissing the appeal, I have not explored this matter further.
29. Whilst the appellant is acknowledged as having developed the site as a holiday destination, this does, however, not affect the outcome of this decision.

Conclusion

30. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
31. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR