



Appeal Decision

Site visit made on 4 January 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/B2002/W/23/3323783

Plot 80, Humberston Fitties DN36 4EU

- 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 Gary Croft against the decision of North East Lincolnshire Council.
 - The application Ref DM/0778/22/FUL, dated 25 August 2022, was refused by notice dated 3 April 2023.
 - The development proposed is erect a new build holiday chalet with associated boundary treatments, hard landscaping and drainage features.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers in this decision.
3. Representations from interested parties raised detailed concerns with respect to flood risk. As a result, I have considered this as a main issue and have sought further information and views from the main parties.

Main Issues

4. The main issues are:
 - whether the proposed development would be at an unacceptable risk of flooding; and
 - the effect of the proposed development on the character and appearance of the Humberston Fitties Conservation Area.

Reasons

Flood Risk

5. The site lies within Flood Zone 3a and the proposal is for a more vulnerable use. The main parties are of the view that the site is allocated for development as it is sited within the resort area allocation and so there is no need for the proposed development to be subject to the sequential test.

6. The Council has provided me with a copy of the Flood Risk Sequential and Exceptions Tests Report (the SET) carried out to inform the preparation of the North East Lincolnshire Local Plan 2018 (NELLP). The only references to the resort area are in relation to the Grant Street/North Promenade/Sea Road site and this only refers to less vulnerable uses. NELLP Policy 12 does not set any targets for the provision of holiday accommodation, nor identify specific sites to be developed for such uses. There are no references in the SET to any allocations for holiday accommodation. I therefore consider the resort area identified in Figure 12.3 of the NELLP to be a designation which seeks to direct certain types of development to a particular area. This is different to a NELLP site allocation, where a site is allocated for specific development and which would have been subject to specific assessment in the SET.
7. The evidence before me does indicate there previously was a chalet on Plot 80. In addition, it is identified as a vacant plot in the Conservation Area Appraisal and Management Statement (CAA) which is dated 2003. This suggests that there has not been a dwelling present on the site for at least 20 years so I consider the proposed development would not constitute a replacement dwelling. Consequently, it would be necessary for the proposed development to be subject to a sequential test as set out in the Framework and the Planning Practice Guidance (PPG). This aims to steer new development to areas with the lowest risk of flooding from any source.
8. I am mindful that the wider site has an extant permission for holiday use. As such camping could take place or a caravan sited on Plot 80 without the need for further planning permission. I also acknowledge caravan licences have been granted. The fallback position can weigh in support of a proposed development in the face of conflict with the development plan. However, I have not been made aware of any provision for a fallback position to be a reason for a proposed development to not comply with local and national requirements with respect to the evidence necessary to support an application for planning permission.
9. As the appellant has not applied the sequential test, there is no requirement for me to consider the exceptions test. It is also not necessary for me to consider any of the other issues that have been raised by interested parties in relation to flood risk.
10. The absence of the application of the sequential test leads me to find that the proposal would be contrary to NELLP Policy 33 and the advice in the Framework and PPG on flood risk. This in itself is sufficient for the appeal to fail.

Conservation Area

11. The site lies within the Humberston Fitties Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. For the purposes of this appeal, the significance of the CA is derived from its historic interest as an area where holiday chalet development followed on from its use during the First World War to billet soldiers. The CAA identifies that all the buildings greatly contribute to the character and appearance of the CA and highlights that the chalets are all single storey. They are of individual design and originally constructed from a range of materials that were basic, lightweight and cheap, as they were often acquired from other sources. The scale of the chalets and

restrained means of enclosure give the area an open spacious appearance and the area has a distinctive, seaside holiday character.

12. The appeal site has been identified as a vacant plot and has an appearance as such. The CAA acknowledges that such sites should be developed. The plot is of a limited size and positioned between two chalets. As such it is not well related to the types of open space identified in the CAA as contributing to the character and appearance of the area. Its development would, in and of itself, have a neutral effect on the character and appearance of the CA.
13. The Council has produced a Chalet Design Guide (CDG) for the CA. This sets out that individuality is the keynote of design. The proposed chalet has a bespoke design which incorporates elevational features identified in the CDG. The use of wood shingles would support the seaside holiday character of the area. It would be single storey and even with the raised floor level would be of an appropriate height.
14. The proposed chalet would be sited in the centre of the plot and there would be at least 2m from the plot boundaries which is consistent with the advice in the CDG. The proposed chalet would be wider than those adjacent and would be sited on a narrower plot. However, it would not appear incongruous in the overall context of the CA where many of the chalets occupy much of the width of their plot. It would be set back from the road in a similar position to the adjacent chalets, and private amenity space would remain to the rear. It therefore would not appear cramped or incoherent.
15. Details of the proposed boundary treatment are consistent with the advice in the CDG, which advises that all plots should be enclosed, and CAA which recognises that picket fences contribute to the open character of the area. Landscaping could be secured by condition to softly assimilate the proposed chalet into the plot and integrate the development with the surrounding area.
16. The proposed development would therefore preserve the character and appearance of the Humberston Fitties Conservation Area. It would be in accordance with NELLP Policy 39 which requires development to sustain the cultural distinctiveness and significance of North East Lincolnshire's historic coastal environment. It would also be in accordance with Section 16 of the Framework which requires great weight to be given to the conservation of heritage assets.

Other Matters

17. The site would be within the resort area and would have good access to the facilities and amenities of Humberston, Cleethorpes and the surrounding holiday parks. No other conflict with the policies of the development plan have been identified. However, these would amount to a lack of harm and would therefore be neutral.

Conclusion

18. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the policies of the Framework, to indicate the decision should be made otherwise. For the reasons given, I conclude that the appeal should be dismissed.

J Downs INSPECTOR