
Appeal Decision

Site visit made on 26 February 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2024

Appeal Ref: APP/U2370/W/23/3330727

Land adjacent to Flitcraft Ltd, Garstang Road PR3 0SZ

- 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 Flitcraft Ltd against the decision of Wyre Borough Council.
 - The application Ref 22/01267/FUL, dated 13 December 2022, was refused by notice dated 31 August 2023.
 - The development proposed is change of use of land for the siting of 9 (holiday use) chalets and associated landscaping and creation of a footpath.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is whether the proposal would comply with development plan policy which seeks to steer new development away from areas at the highest risk of flooding. The second is the effect of the proposal on the character and appearance of the area. The third is whether the site is suitable for the proposed development having regard to accessibility to services and facilities. The fourth is whether the accommodation would be viable in the long term.

Procedural Matters

3. The application to the Council included proposals for the provision of a pedestrian crossing point from the northern side of Garstang Road close to the site along with a footway extending along this side of Garstang Road to link in with the existing footway further along the road in the direction of St Michaels on Wyre. It includes this area within the red line plan.
4. An amended plan has been submitted which appears to omit that footway plan and instead includes within the red line the highway verge between the Garstang Road carriageway and properties at Millburn House, Honeysuckle Cottage, Rose Cottage and Beckley. This appears to be in association with the intention to provide a footway linking the site of the proposed chalets with the entrance to the Business Park, with the intention of providing bus stops at this location.
5. An amended site plan has also been submitted which shows a slight re-location of some of the chalets from their originally intended positions to move them into the part of the site which is identified as being at lower risk of flooding.

6. However, it is not the purpose of the appeal process to evolve a scheme. I consider that the proposals to introduce a footway as part of the scheme within close proximity of other properties, along with bus stops would represent a substantial change to the application which would represent a procedural unfairness to those with interest in the scheme.
7. The relocation of the lodges would be a more modest change to the original proposals but represents a further change to the original scheme, changes which as a whole would be substantially different from the original proposal. I therefore cannot accept these amended plans as part of the appeal and have made my determination based on those on which the Council determined the application.

Reasons

Flood Risk

8. The appeal site falls partly within Flood Zones 2 and 3 although the evidence indicates that much of the site is within Flood Zone 1. The proposal is for more vulnerable development. Policy CDMP2 of the Wyre Local Plan (WLP) (2022) states amongst other things that where development is proposed in areas at risk of flooding it must be demonstrated that the Sequential Test has been applied and there are no reasonable available alternative sites at lower risk.
9. The Framework¹ advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The proposal is a type of development which should be subject to the Sequential Test with regard to Flood Risk.
10. The overall aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This is regardless of the recommendations of the Flood Risk Assessment which recommends that the chalet units that overlap into the area of increased flood risk would be cantilevered with finished floor levels set no lower than 9.0 AOD and intention to retain the higher flood risk land as a wetland.
11. The Sequential Test should be applied even though not all of the site is identified as being within Flood Zones 2 and 3 and therefore at greater risk of flooding. However, much of the site area is and some of the chalets are shown as being positioned within flood zone 2. The level changes on site are not pronounced and the mapping of flood risk is not always completely accurate, and it could be the case that the extent of flood risk on the ground could extend further than shown within the evidence.
12. Therefore, even were I to have accepted the revised plans which locate the chalets outside of this zone some of the chalets would be located directly adjacent to the higher risk areas my position on the matter would remain unchanged. Although the Environment Agency have not objected to the application on flood risk grounds, they acknowledge that their position does not remove the need for the Sequential Test.

¹ National Planning Policy Framework 2023.

13. To conclude on this matter, it has not been demonstrated that the Sequential Test has been applied as required by the development plan and the Framework and it is not known whether there are any available alternative sites at lower risk of flooding. There is therefore conflict with Policy CDMP2 of the WLP and the Framework which aim to steer development to areas at lowest risk of flooding.

Character and Appearance

14. The appeal site is set between the Business Park which contains large industrial style buildings and further property to the west of an access track which bounds this side of the site. There is therefore a significant degree of built development and activity in close proximity to the site which is not in a particularly open setting. Established boundary planting screens the site from much of the surrounding viewpoints, whilst the set back that the lodges would have from Garstang Road, coupled with their single storey design would mean that the chalets and any peripherals would not be especially prominent or disruptive at this site.
15. I therefore conclude on this matter that the proposal would not have any significant adverse impact on the character and appearance of the area. It would not conflict with policies CDMP3, SP4, EP8 nor EP9 of the WLP which amongst other things require a high standard of design, do not permit development which would adversely impact on the open and rural character of the countryside and require development of appropriate scale and appearance to the local landscape.

Accessibility to Services and Facilities

16. The site is detached from St Michaels on Wyre. That settlement has a limited range of services but incorporates a garage with a shop and at least one place to eat and drink in the form of the Grapes Hotel. Bus stops are available providing links to locations further afield.
17. The proposal indicates that a linking footpath would be provided to meet that existing along the southern side of Garstang Road and detail of this has been provided within a Transport Technical Note². Despite the 50mph speed limit along that section of Garstang Road, there is nothing to indicate that the provision of this footway or the crossing point to meet it would have any significant adverse impact on highway safety or be so undesirable that users of the site would not consider this an option to access the services and facilities of St Michaels on Wyre or its transport links. There is already a section of footway on this side of Garstang Road within the 50mph limit sector and I am not aware that the existing arrangement is considered unsafe.
18. I therefore conclude on this matter that were that path provided, the site would have adequate links to services and facilities whether or not the discussed bus stops would be provided, although these would of course be beneficial. The proposal would not therefore conflict with the sustainability requirements of policies SP1 and SP2 of the WLP nor Policy CDMP6 which amongst other things states that development will be permitted provided that road safety and the safe, efficient, and convenient movement of all highway users is not prejudiced.

² Transport Technical Note – Transportation Planning: Infrastructure Design NT/210588/TN01 - 30 September 2022.

Viability

19. The business model would see the sale of 7 out of the 9 chalets whilst two would be retained to act as show lodges to showcase some of the products produced by Flitcraft Ltd. I have been provided with figures detailing the business plan and have no reason to consider that the scheme would be unviable. I consider that the inter-link between this site and a clearly well-established business that has significant experience within the construction industry could only be of benefit to the scheme. I therefore conclude that there is no evidence to indicate that the proposal would not be viable in the long term.
20. Subsequently I have not identified any conflict with policies SP4, EP8 or EP9 of the WLP which amongst other things require new tourism accommodation sites incorporating new build accommodation to be supported by a sound business plan demonstrating long term viability.

Planning Balance and Conclusion

21. I have not found conflict with the development plan with regard to matters of character and appearance, accessibility to services and facilities and viability. There would be benefits to the proposal including the usual benefits of tourism developments including support for local businesses, possible additional employment, and additional transport infrastructure. However, the adverse impacts of placing the proposal on a site that includes substantial areas within areas heightened flood risk would outweigh these benefits.
22. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR