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# Appeal Decision

Site visit made on 28 March 2024

**by S Brook BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> April 2024**

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**Appeal Ref: APP/A2335/W/23/3333077**

**Kendal Hill Farm, Dobs Lane, Glasson Dock, Lancaster LA2 0AU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs Virginia Charnley against the decision of Lancaster City Council.
  - The application Ref is 22/01305/CU.
  - The development proposed is change of use of agricultural land for the siting of a mobile home for holiday usage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In the banner heading above, I have taken the description of the development from the appeal form, as this most accurately describes the act of development. However, I have omitted the term 'renewal' as this does not describe an act of development and the information before me indicates that previous planning permissions<sup>1</sup> to change the use of the land to site a mobile home for holiday occupancy were granted on a temporary basis only and expired by November 2015.
3. A mobile home is in situ. Nevertheless, I have determined the appeal based on the plans before me.

## Main Issues

4. The main issues are whether this is an appropriate location for the development with regards to (a) flood risk, with particular regard to application of the sequential test, and (b) access to services and facilities.

## Reasons

### *Flood Risk*

5. The Council states that the appeal site is within Flood Zones 2 and 3. Policy DM33 of the Local Plan for Lancaster District 2011-2031, Part Two: Review of the Development Management Development Plan Document, Adoption Version July 2020, (DPD), requires that proposals minimise the risk of flooding to people and property by taking a sequential approach which directs development to the areas at the lowest risk of flooding. The policy requires that new development satisfies the sequential test and exception test where

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<sup>1</sup> 05/00575/CU and 10/00977/RENT

necessary, in accordance with the requirements of national planning policy and any other relevant guidance, while proposals that fail to satisfy the requirements of these tests will be refused.

6. Paragraph 168 of the National Planning Policy Framework (the Framework) aims to steer new development to areas with the lowest risk of flooding from any source through the application of the sequential test and states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Annex 3 to the Framework indicates that sites used for holiday or short let caravans are a more vulnerable use.
7. The appellant submits that this type of development is not subject to sequential assessment and so no evidence of such an exercise has been provided. However, Footnote 60 of the Framework specifies that a change of use to a mobile home site requires application of this test, and the Environment Agency has highlighted this requirement in their consultation response.
8. The Council suggests that there are other locations, both on the farm and in the wider area, that are at a lower risk of flooding and so would be sequentially preferable. The availability of such sites has not been disputed by the appellant. It states in the Council's Officer Report that the appellant considers the cost of moving the mobile home to be prohibitive. The Planning Practice Guidance (PPG), and the Council's Planning Advisory Note 6, Application of the Flood Risk Sequential Test and Exception Test, October 2020, (PAN6), acknowledge the need to consider some matters pragmatically. However, any practical or viability issues associated with moving the mobile home would need to be evidenced. This has not been substantiated in the evidence that has accompanied the appeal.
9. While the need for sequential assessment may not have been raised as part of previous applications relating to the mobile home, it is mandatory for me to consider this type of appeal against the most relevant and up to date planning policy, and not those applying when the mobile home was first introduced to the site.
10. As it has not been demonstrated that the proposal is acceptable in relation to the sequential test, the proposal would conflict with DPD Policy DM33, and it would not meet the requirements of the Framework and PPG, as set out above.

#### *Accessibility*

11. DPD Policy DM52 requires that holiday accommodation such as caravans are sited in accessible locations close to existing tourism and leisure attractions and where they have no adverse impact on the capacity of the local highways network, highway safety and other important local infrastructure. DPD Policy DM60 seeks to ensure that development proposals, particularly those that will generate significant footfall and motorised vehicle journeys, are located where sustainable travel patterns can be achieved. It goes on to state that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport.
12. The appeal site holds a rural location and so visitors staying at this mobile home may rely on the private car to reach some of the tourism and leisure attractions within the area. However, some visitors are likely to be attracted to

the area for recreational walking or cycling, and there are public footpaths close to the appeal site that connect to the wider area. The appellant confirms that these routes link to the coastal path also.

13. Further, the appeal site is within a reasonable walking distance of Glasston Dock village, which has a small number of services/facilities to cater for visitors. The Council confirms that it is a similar distance to the nearest bus stop, which provides a service between Lancaster and Knott End. I have not been provided with the frequency of this route, however, visitors to the area would not have the same day to day requirements or time pressures as residents travelling to work or school, for example. Access to both the village and bus stop would be along Dobs Lane, which is a typical rural lane, with no separate footway or lighting. Nevertheless, this is a no through road serving only a small number of properties, and so I do not agree with the Council that this would be unsuitable for use by pedestrians or cyclists. Therefore, visitors would not be reliant on the private car to access all tourism and leisure attractions in the area.
14. As such, the level of accessibility for the proposed mobile home for holiday occupancy would be reasonable, and so the development would accord with DPD Policies DM52 and DM60, the requirements of which have been set out above. As opportunities for walking, cycling and accessing public transport exist, the proposal accords with paragraph 108 of the Framework also.
15. The Council's second refusal reason references DPD Policy DM1, however the Council's assessment of this second main issue contained within its Officer Report has referred to policies DM52 and DM60, not DM1. As policy DM1 relates to residential development and the appeal scheme is specified as holiday usage, I have not considered this policy further.

### **Other Matters**

16. The appellant indicates that the appeal scheme would allow the existing farm to diversify, while providing support to other rural businesses. This attracts support from paragraph 88 of the Framework in terms of promoting a prosperous rural economy. These benefits of the proposal have attracted support from an interested party also. I afford these benefits modest weight in favour of the appeal scheme.
17. I have been provided with some of the personal circumstances of the appellant which suggests difficulties in occupying their present home, while delays in the planning process have resulted in additional stress. As the appeal scheme seeks planning permission for the mobile home to be used for holiday usage, any decision relating to the appeal scheme would not impact directly on the personal circumstances of the appellant in terms of their access and use of permanent residential accommodation. Concerns with the Council's handling of the planning application are not a matter for this decision.
18. As part of the appeal submissions, the Council has included a list of conditions. This information suggests that the appeal site is located close to the Morecambe Bay Special Protection Area, Special Area of Conservation and Ramsar site, where recreational pressure may be an issue requiring mitigation measures from development such as the appeal scheme. However, given my conclusions in relation to the first main issue, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on these European designations.

## **Conclusion**

19. While I have found that the appeal scheme is within a reasonably accessible location, DPD Policy DM33 requires that, where it has not been demonstrated that the proposal is acceptable in relation to the sequential test, development should be refused. I afford modest weight to the public benefits of the appeal scheme, however, these benefits do not overcome the failure to address the sequential test.
20. Consequently, the appeal scheme would conflict with the development plan as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, the appeal should be dismissed.

*S Brook*

INSPECTOR