



Appeal Decision

Site visit made on 18 June 2024

by R Norman BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/V2635/W/24/3338127

Shepherds Port Farmhouse, 44-46 Beach Road, Snettisham, Norfolk PE31 7RA

- 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 Mr Steven Lloyd, Whisky Blenders against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/01334/F.
 - The development proposed is the siting of two mobile homes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to the siting of two mobile homes. These are already in situ on the site, and I have considered the appeal on this basis.
3. The description of development on the original application form is lengthy and goes into details of the case and the surrounding area. In the interests of conciseness, I have taken the description in the heading above from the Council's statement of case and the decision notice as this is more precise. I have, however, taken the Appellant's original description of development into account when determining this appeal.

Main Issues

4. The main issues are:
 - Whether it has been adequately demonstrated that the development would be safe from flooding and not result in additional risk elsewhere;
 - The effect of the development on highway safety;
 - Whether or not the development would provide adequate contribution towards the mitigation of any potential recreational disturbance on the nearby protected sites.

Reasons

Flood Risk

5. The appeal site is located on Beach Road in Snettisham and comprises two, three-bedroom mobile homes situated one behind the other adjacent to a detached property, Shepherds Port Farmhouse. It appears that the appeal site originally formed part of the curtilage of the farmhouse but was subdivided

with fencing and the siting of the mobile homes and a separate access created. The surrounding area comprises a number of established large caravan parks, related facilities and a large car park adjacent to the beach.

6. The mobile homes are situated on land which is within Flood Zone 3 and the Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham). These are classed as high-risk flood areas. Policy DM18 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP) states that new or additional park homes/caravans will not be permitted within Tidal Flood Zone 3. Policy DM11 of the SADMPP highlights that proposals for new holiday accommodation will not normally be permitted unless the site is not within the Coastal Hazard Zone, or within areas identified as tidal defence breach Hazard Zones, amongst other criteria.
7. The National Planning Policy Framework (2023) (the Framework) seeks in paragraph 165 to direct development away from areas at highest risk of flooding (whether existing or future) and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
8. The original application and appeal have not been supported by a Flood Risk Assessment. Paragraph 173 of the Framework requires where appropriate applications to be supported by a site-specific flood-risk assessment, which includes for all development in Flood Zones 2 and 3. The mobile homes are both raised up on elevated platforms, however without the required assessments I am unable to conclude that this would be sufficient to make the development safe in flood risk terms. It would therefore result in additional occupants within a high risk and hazardous flood zone with insufficient measures in place to ensure their safety.
9. The Appellant has stated that they understand that the previous owners of the property and appeal site rented out mobile homes for over forty years. However, the Council indicate that there is no known extant planning permission for the subdivision of the site and the siting of the mobile homes. However, they suggest that, based on aerial imagery the mobile homes may have been introduced into the site between 2019 and 2022.
10. I have been provided with little formal evidence, such as affidavits, letting agreements or similar, to show that the mobile homes have been in situ for any length of time that would result in them being considered lawful and I find that the sales particulars provided do not provide any certainty as to the status of these. Accordingly, they must be considered against the relevant policies and national guidance.
11. I acknowledge that the mobile homes are sited within an area that includes other caravan sites comprising a large number of mobile homes, however I do not have details of these other sites and the assessments that were carried out to support these. In the absence of sufficient details relating to flood risk considerations, the presence of these other sites does not automatically set a precedent for this development.
12. In the absence of a Flood Risk Assessment, it has not been demonstrated that the two mobile homes would be safe from flooding and not result in an increased risk elsewhere. The proposal would therefore be contrary to the provisions of policies DM11 and DM18 of the SADMPP. It also fails to comply

with Policies CS07 and CS08 of the King's Lynn and West Norfolk Core Strategy (2011) (Core Strategy) which collectively seek to ensure that development is directed away from areas of high flood risk or are supported by a FRA and appropriately mitigated, the sensitive nature of the coastal area is protected and development is able to withstand the effects of climate change, amongst other things, as well as the overarching aims of the Framework to meet the challenges of climate change, flooding and coastal change.

Highway Safety

13. The mobile homes are accessed off Beach Road and are served by their own access, independent of the adjacent Farmhouse. The front is bounded by a brick wall with a gate set back within the site. The front has been gravelled with wooden posts in place to provide a protected refuge area for pedestrians.
14. Beach Road is relatively narrow in parts and just beyond the appeal site it becomes a track road leading to adjacent holiday sites, the beach and car park. The appeal site is on a slight bend in the road and the set back of the gate would allow vehicles to pull in off the highway a reasonable amount. The gravelled area provides opportunity for good visibility along Beach Road in both directions.
15. As such, whilst detailed and technical plans regarding the access arrangements have not been provided, I have had regard to the location of the proposed access and the visibility which I observed on my site visit. In addition, the access appears to have been finished to a good standard and would not give rise to undue highway safety concerns. I find therefore that the requirements of Policies CS11 of the Core Strategy and Policies DM11 and DM15 of the SADMPP have been met insofar as they seek to provide for safe and convenient access for all modes of transport and adequate parking facilities.

Recreational Disturbance Mitigation

16. The appeal site falls within the Zone of Influence for the Norfolk Coast SAC/SPA/RAMSAR, the Roydon Common RAMSAR and the Dersingham Bog RAMSAR, the Roydon Common and Dersingham Bog SAC and The Wash SPA/SAC/RAMSAR sites. Furthermore, the site is located opposite the Country Wildlife Site (CWS Ref 477 Coast nr Snettisham). These form protected sites, upon which the impacts of recreational disturbance must be carefully assessed.
17. The occupation of the mobile homes, even temporarily on a seasonal basis, would increase the numbers of visitors to the locality and to these protected sites. This may result in increased recreational disturbance and associated pressures on these areas. As such, and in the absence of a site-specific Habitat Regulation Assessment, these would require an offset payment through the Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) scheme.
18. In combination with Natural England, the Council has developed the GIRAMS tariff which seeks to secure funding in order to mitigate increased recreational pressures on these protected areas. The Appellant has not provided any legal agreement to secure the required contribution or any other mitigation measures that could alleviate these impacts.
19. Consequently, the development fails to comply with Policies CS08 and CS12 of the Core Strategy and Policy DM19 of the SADMPP. Collectively these seek to

ensure that development protects and enhances County Wildlife Sites, and other protected sites and should avoid, mitigate or compensate for any adverse impacts on biodiversity, amongst other things. It would also be contrary to the provisions of Section 15 of the Framework which seeks to conserve and enhance the natural environment.

Planning Balance

20. I have found that it has not been demonstrated that the use of the mobile homes for accommodation would be safe in flood risk terms and therefore there is a conflict with Policies DM11 and DM18 of the SADMPP, Policies CS07 and CS08 of the Core Strategy and the provisions of the Framework. The absence of the GIRAMS contribution to mitigate recreational pressures on the surrounding protected areas results in conflict with Policies CS08 and CS12 of the Core Strategy and Policy DM19 of the SADMPP. I have concluded that there would not be undue harm to highway safety arising from the development. However, aside from the improvements to the access, no further benefits have been put forward by the Appellant which would outweigh the policy conflict in this instance. Without evidence to demonstrate that the mobile homes have been sited on the land for a period of time to render them lawful, the conflict with the development plan as a whole is not outweighed.

Conclusion

21. For the reasons given above, and having had regard to all matters raised, the appeal should be dismissed.

R Norman

INSPECTOR