
Appeal Decision

Site visit made on 13 September 2024

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2024

Appeal Ref: APP/V2635/W/23/3334583

18 North Beach, Heacham, Norfolk PE31 7LJ

- 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 & Mrs L Murfet against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00511/F, dated 3 April 2020, was refused by notice dated 12 October 2023.
 - The development proposed is the continued standing of 2no. Caravans and 1 no. garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. Concurrently with this appeal for 2no. caravans, I have determined a separate appeal relating to a similar proposal for 2no. caravans on the adjacent plot at No.18a North Beach¹ which is in a separate land ownership. The separate appeal proposals at Nos.18 and Nos.18a raise similar issues because they stem from the sub-division of the original wider host plot at 18 North Beach. As such, whilst I have considered each appeal on its own individual merits, there is significant overlap in the content of these separate decisions.
3. The main issue in this appeal is whether the proposal would comply with local and national planning policy which seeks to steer new development to areas with the lowest probability of flooding and whether there are any material considerations that would justify a decision other than in accordance with planning policy.

Reasoning

4. The appeal site is within Tidal Flood Zone 3 of the Environment Agency (the EA) Flood Map for Planning. This is an area of highest risk for flooding, often informed by historical flood records, not least the catastrophic events of 1953 and 1978 relevant to this area. Over time flood defences have been put in place but the coastline remains subject to natural flux, which is increasingly likely to be exacerbated by climate change. Whilst I observed a concrete retaining wall and promenade to the west of the appeal site, the Local Planning Authority (LPA) identifies that the financial and practical feasibility of maintaining existing defences is becoming increasingly challenging. This is reflected in the Wash Shoreline Management Plan which identifies uncertainties

¹ APP/V2635/W/24/3337693

over the future management of flood defences between Hunstanton and Wolterton Creek beyond 2025.

5. Accordingly, the site is within the identified 'Coastal Hazard Zone' between Hunstanton and Dersingham, placing the appeal site in a location with a very high risk of flooding and only a one in 50 year (2% annual probability) standard of protection. The EA confirm the estimated 2% standard of protection has also been established in the Wash East Coast Management Strategy. For contrast, the national Planning Practice Guidance (PPG) at paragraph 7-002-20220825 refers to standard of protection to withstand tidal flooding with a 0.5% annual probability (1 in 200 chance each year). Furthermore, the EA's Tidal Hazard Map indicates that parts of the Wash shoreline in Coastal Hazard Zone could flood to a depth of up to three metres if the defences were to be breached.
6. The development plan reflects the National Planning Policy Framework (NPPF) in respect of planning and flood risk including the need to steer development away from areas of highest flood risk. This is the overarching approach in Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011 (*the CS*). More specifically, Policy DM18 of the Site Allocations and Development Management Policies Plan 2016 (*the SADMP*) reflects the local coastal flood risk evidence in this part of West Norfolk and takes a justifiably precautionary approach. Policy DM18 of the SADMP states that new or additional park homes/caravans will not be permitted in the Coastal Flood Risk Hazard Zone due to the high risk of flooding. Paragraph C.19.9 of the SADMP in support of Policy DM18 states that a cautious approach will be taken to the renewal of earlier temporary planning permissions for the siting of park/mobile homes and caravans in the Coastal Hazard Zone.
7. In addition to the development plan, the NPPF as national planning policy makes clear at paragraph 165 that inappropriate development in areas at risk of flooding should be avoided. In relation to planning applications the NPPF, together with the PPG on Flood Risk and Coastal Change, seeks to ensure that development is kept out of high risk flood areas (Flood Zone 3). The mechanism for this is the sequential test, to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Subject to the sequential test, sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan, are classified as "more vulnerable" in Table 2 "*Flood risk vulnerability and flood zone*" of the PPG. Accordingly, an Exception Test is required under Table 3 "*Flood risk vulnerability and flood zone 'compatibility'*". The purpose of the exception test is to demonstrate that there are wider sustainability benefits to the community that outweigh the flood risk and the development will be safe for its lifetime.
8. The original wider plot at No.18 North Beach was granted planning permission in December 2011 to use the site for the stationing of three caravans for residential occupation during certain parts of the year. This was a temporary planning permission (reference 11/01754/F) which expired in September 2020. The approved plans show the three caravans evenly distributed across the original larger plot. This plot has now been subdivided to create two separate holdings of similar dimensions, with No.18 to the south and No.18a to the north. At the time of my site visit both sites now accommodate two caravans

- each, which is now the basis of the two separate planning appeals. This has resulted in a net increase of one caravan above that previously approved.
9. Matters have materially changed since the 2011 temporary planning permission in terms of the evidence regarding the vulnerability of this coastline and the need for a specific precautionary approach as set out in SADMP Policy DM18. As such any intensification of residential occupation of the appeal site requires careful scrutiny.
 10. There is much before me in terms of how the subdivision of the original plot came about. Nonetheless, as the LPA set out, the consequence of the partitioning of the original wider site into two distinct land holdings has now created two separate planning units. The way the site has been subdivided through the centre, including the centre of the original positioned middle caravan², means that neither site has benefitted in the past from a planning consent for 2 caravans on their respective part of the original wider plot, including this appeal site. Consequently, the appeal proposal would result in an intensification of residential occupation in an area of high flood risk. More widely, the appeal proposal, in conjunction with the adjoining proposal on No.18a, would together facilitate a net increase of 1 caravan across the wider original site. The appeal proposal would contribute to this by repositioning a caravan much closer to the southern boundary of the remaining plot of No.18 compared to the previously approved layout.
 11. The appellant submits that they have repositioned their two caravans on their part of the wider site for some time and that they have obtained licencing for 2 caravans on their plot (February 2019). In support of their case that two caravans from the original permission should be transferred to the current No.18, they say the owner of No.18A independently sought planning permission in 2014 for a dwelling on No.18A (i.e. 1 unit). The appellants also say that No.18A only received a licence for 1 caravan (despite 3 caravans being on the 18A site at that point). Whatever the intentions of the owner of No.18A may have been in the past, matters have now simultaneously come to a head with both sites independently seeking separate consents for the two caravans that currently exist on each parcel of the original wider plot. There is nothing before me, to demonstrate in land-use and planning terms, that the owner of No.18A has agreed to any split of the original planning consent for 3 caravans across the two sites in favour of two caravans to this appeal site.
 12. The separately issued caravan licence at the subdivided No.18 is not in and of itself proof of a lawful land use in planning terms. As the LPAs officer report identifies the last temporary planning consent expired some 4 years ago. The appellants submit that the appeal proposal is a renewal planning application, but the smaller residual No.18 has never had planning permission for 2 caravans. Overall, across the original wider site, there has been a material increase in seasonal residential occupation and this appeal proposal would seek to sustain this arrangement in combination with the adjoining appeal proposal. As such, the planning history of the wider site, including the mostly recently expired planning permission, as material considerations, do not provide the necessary justification for this appeal proposal and the in-combination consequence of increasing residential occupation in an area with an acute flood risk.

² As shown on the land registry plan for Title NK382951 date 18 December 2008 on page 19 of the appellant's Planning Statement.

13. The appeal proposal is accompanied by a brief Flood Risk Assessment (FRA) sheet. It does not demonstrate that an increase in seasonal residential accommodation to 2 units is necessary. Nor does it demonstrate that the sequential test has been satisfied in demonstrating whether there are other reasonably available sites to accommodate the net increase in residential accommodation. As such the appeal proposal fails to demonstrate that inappropriate development in area at risk of flooding cannot be avoided.
14. Even where I find that the original 3 caravans were to be distributed as 2 caravans to No.18 and 1 caravan to No.18a it nonetheless remains that the submitted FRA does not sufficiently address the rate, speed and potential depth of flood inundation at the appeal location, including the impacts of climate change. Nor does it adequately explain how the development could be made safe during its lifetime. The appeal proposal could be subject of a condition requiring an evacuation plan be provided, but I do not have sufficient information before me to be satisfied, as a matter of principle, that such a condition would be enforceable, precise and reasonable in all other respects. The appellant says that they are already signed up to the EAs flood warning system and I am aware of local Precautionary Evacuation Notices (PEN). This in itself does not guarantee that the caravans would be safely occupied. As the EA point out, some 3,500 bungalows and caravans are within scope of PEN in this part of West Norfolk, already creating a logistical challenge for orderly evacuation. As such I am concerned about potentially placing a further burden on this system if the appeal proposal were to be allowed.
15. I observed that the caravans have been raised and would be occupied for part of the year only but that does not remove the need to undertake a thorough assessment (exceptions test). The appellant submits that the caravans would be at the lowest risk of flooding (to just 0.25 metres) according to the EA mapping. However, as the EA advise, the mapping is based on computer modelling that assumes a breach at a location some distance to the south of the appeal site. Were the defences breached closer to the appeal site the rate and depth of inundation would be more severe and a more detailed FRA could look at this. The EA advise that the sand/shingle ridge at the appeal location is particularly vulnerable to both breaching and overtopping.
16. The appellant also suggests that the appeal proposal could be subject to a temporary permission and/or specific seasonal occupancy restrictions. Neither of these suggestions would overcome the fact that what is proposed would result in a net increase (in combination with No.18a) in a more vulnerable land use in an area at high risk of flooding. Nor would it satisfy the requirement for the development to be demonstrably safe in such a location. The evidence does not satisfy an Exception Test to demonstrate the wider sustainability benefits to the community as a whole that would outweigh flood risk.
17. The appellants have referred to other developments at North Beach that have been granted planning permission. They have also brought to my attention a recent approval for holiday accommodation (23 new lodges) at the Searles Holiday Park, which they refer to as being within Flood Zone 3. I accept that North Beach, including the appeal site, comprises a long linear stretch of dwellings and residential caravans sandwiched on a narrow strip between the concrete revetment to the foreshore and an earth embankment to the east protecting lower-lying land beyond. Clearly, some development has recently taken place on nearby plots but I have relatively little information regarding

these to demonstrate that they are directly comparable to the appeal proposal. The same applies regarding the Searles Holiday Park situation. Overall, I have determined the appeal proposal on its own merits.

18. I acknowledge that the EA initially indicated that it would not object to the proposal. However, having better understood the original planning history and the in-combination effect of the adjoining proposals at No.18 and No.18a across the wider host site, the EA has submitted clear objections to the intensified residential occupation of the appeal site due to an increased risk to life as a result of extreme flood events. I have given significant weight to the submissions of the EA as part of this appeal.
19. Bringing this all together, I conclude that the placement of two caravan units on the appeal site, would not comply with the requirements of the development plan, particularly at SADMP Policy DM18 regarding proposals in the Coastal Hazard Zone. The appeal proposal would also fail to accord with the NPPF and PPG in respect of steering new development to areas with the lowest probability of flooding and demonstrating that were development necessary in an area of flood risk it would be safe for its lifetime.
20. For the above reasons and exercising the precautionary principle in respect of the risk to life from flooding, I conclude there are insufficient material considerations to justify a decision other than in accordance with the development plan.
21. I have had regard to all other matters raised, and whilst I have some sympathy that the appellant was subjected to a prolonged period (circa 3½ years) before the LPA issued its decision, there is nothing that leads me to conclude other than the appeal should be dismissed.

David Spencer

Inspector.