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## Appeal Decision

Site visit made on 16 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

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**Appeal Ref: APP/K0940/W/24/3350769**

**Castle Head Field Centre, Castle Head, Lindale, Cumbria LA11 6QT**

- 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 Andrew Walker of Field Studies Council against the decision of Westmorland and Furness Council.
  - The application reference is 2024/0513/FPA.
  - The development proposed is the formation of caravan and motorhome site.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Both parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have thus had regard to the latest version of the Framework in determining this appeal.

### Main Issues

3. The main issues are whether this is an appropriate location for the proposed development with regards to (a) flood risk and application of the sequential test, and b) local plan policies relating to new holiday accommodation.

### Reasons

#### *Flood Risk*

4. The appeal site comprises an area of grassed land presently used as a small caravan site by the Caravan and Motorhome Club. Access is via a private lane that extends from the B5277. Mature trees and plants are located to the site boundary. To the south is the Castle Head Field Centre and to the east is a river, with open fields and woodland to the wider area. The village of Lindale is to the northwest and Grange-Over-Sands is to the southwest.
5. The appeal site lies within Flood Zones 2 and 3. Policy CS8.8 of the South Lakeland Core Strategy<sup>1</sup> (CS) states that most new development should be located in flood risk zone 1 and that development within flood risk zones 2, 3a and 3b will only be acceptable when it is compatible with national policy and when the sequential test and the exception test, where applicable, as set out in PPS25, have

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<sup>1</sup> South Lakeland Local Development Framework Core Strategy, dated October 2010.

been satisfied. Policy DM6 of the Local Plan Development Management Policies<sup>2</sup> (DPD) states that inappropriate development, as defined by national policy and technical guidance, in areas at risk of flooding should be avoided by directing development away from areas at highest risk. National policy is now provided by the National Planning Policy Framework (the Framework).

6. The site is presently used as a caravan site for up to 5 units. There does not appear to be any planning history for this present use, albeit such development can benefit from permitted development rights under the GPDO<sup>3</sup>. The proposal seeks a caravan and motorhome site with 12 pitches.
7. Paragraph 173 of the Framework states that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Paragraph 174 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source, and 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. Footnote 62 of the Framework specifies that a change of use to a caravan site requires application of this test. There is no indication within the Framework or Planning Practice Guidance that a site which has previously operated under permitted development rights, but which now proposes development that requires a planning application, is exempt from the sequential test.
8. The proposal is accompanied by a Flood Risk Assessment (FRA) dated January 2024, which contains section 5 titled 'Sequential Test'. It concludes that no reasonably available alternative sites have been identified, that other sites are already developed and are not available to construct the site proposals, that those sites that meet the criteria need to be brought forward for housing, and that sites nearby are at greater risk. However, no detailed evidence of the area of search, the alternative sites considered, or the specific reasons for discounting them, are provided to support these conclusions.
9. Reference is made to a number of planning permissions that have been granted by the Council that fall within Flood Zones 2 and 3. The FRA concludes that because these sites must have passed the sequential test, the subject site should be deemed to pass also. However, no detailed information has been provided relating to these other planning permissions.
10. At the final comments stage, the appellant indicated that sites identified within documents prepared by the Council as part of its local plan preparation had been considered. However, again, there is no detailed evidence of the sites considered, or the reasons for discounting. The appellant has also suggested that this is the only site in the ownership of the client and the cost of buying and developing a similar site would make it uneconomical. While I appreciate that the appeal scheme is intended to diversify an existing business, I have not been provided with evidence of the extent of any landownership beyond the appeal site, or any financial information to demonstrate that renting or buying other land at a lower risk of flooding, would be uneconomical.

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<sup>2</sup> Local Plan Development Management Policies (For South Lakeland District outside the Lake District and Yorkshire Dales National Parks), dated March 2019.

<sup>3</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015

11. As such, the evidence before me does not demonstrate that the sequential test has been robustly applied. In the absence of the appropriate application of the sequential test, the proposal would conflict with CS policy CS8.8 and DPD policy DM6. There would also be conflict with CS policy CS1.1 and DPD policies DM1 and DM2, insofar as they require proposals to address and effectively manage flood risk and the effects of climate change. Nor would the requirements of the Framework be met.
12. The submitted FRA provides measures to manage flood risk at the site, and I note that the Environment Agency is satisfied that the proposal would be safe without exacerbating flood risk, providing the mitigation measures in the FRA are implemented. Nevertheless, this does not negate the need for the sequential test and so the conflict I have identified is not overcome.

#### *Location of Holiday Accommodation*

13. DPD policy DM18 relates specifically to tourist accommodation for caravans. It states that proposals for new caravan sites will be supported where 1) the site is sustainably located within or adjoining Principle, Key or Local Service Centres, or 2) in other locations where the proposal is to support the diversification of agricultural or other land based rural business, and it is demonstrated that the development makes an ongoing contribution to sustain the long term future of the business that is diversifying. It requires that all proposals for new sites, extensions to, and intensification of existing sites, shall meet criteria a) to h). The supporting text indicates that the policy re-iterates support for sustainable rural tourism in line with the Framework.
14. In order to support a prosperous rural economy, paragraph 88 of the Framework states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; the development and diversification of agricultural and other land-based rural businesses; and sustainable rural tourism and leisure developments which respect the character of the countryside.
15. The appeal site holds a rural location, it is not within or adjoining a Principle, Key or Local Service Centre. However, the information before me suggests that the village of Lindale and the Key Service Centre of Grange-Over-Sands are within a 15 minute and 30 minute walk respectively. Some visitors are likely to be attracted to the area for recreational walking or cycling and the services and facilities of Lindale and Grange-Over-Sands would be at a reasonable distance.
16. Access to both would initially be along the private lane serving the site, which is a typical rural lane, with no footway or lighting. Nevertheless, this private lane serves only a small number of properties, and so it appears suitable for use by pedestrians or cyclists. Where the lane joins the highway, footways and lighting are provided. Bus stops are present along the B5277 and at Lindale. I have not been provided with the route or frequency of any bus service, albeit, visitors to the area would not have the same day to day requirements or time pressures as residents. As such, visitors to the proposal would not be wholly reliant on the private car to access day to day services and facilities, or attractions.
17. Castle Head Field Centre is part of the Field Studies Council, which is an educational charity. I am advised that the centre at Castle Head offers rural employment opportunities in hospitality, catering, grounds maintenance and

teaching specialisms. It provides outdoor learning, including fieldwork for students at GCSE to degree level, as well as a range of outdoor adventure activities to develop personal skills. The submissions indicate that the grounds of the centre are the classroom, suggesting that at least some of the activities offered, rely on outdoor space associated with the centre itself.

18. Castle Head Field Centre is not a typical land based rural business, albeit it has some reliance on the land associated with it. Nevertheless, it is an established business within a rural location and CS policy CS1.1 emphasises the need to foster local business development and rural diversification. CS policy C1.2 indicates that exceptionally, new development will be permitted in the open countryside where it is needed to sustain an existing business, while the Framework provides support for the sustainable growth and expansion of all types of business in rural areas. The available information indicates that the business has sought to diversify since many long-term customers have stopped using the facilities since Covid, and it is envisaged that the appeal scheme would generate an additional 2% trading income.
19. Subject to a requirement for additional landscaping, it would appear that the Council are satisfied that the proposal would meet criteria a) to h) of DPD Policy DM18.
20. Consequently, given the location of the proposal is beyond any Principle, Key or Local Service Centre, and as the proposal would not support the diversification of a wholly land based rural business, there would be some conflict with DPD policy DM18. However, for future users of the proposal, opportunities for walking, cycling and accessing public transport would exist, and so I find that the proposed tourist accommodation would be reasonably accessible. Further, the appeal scheme would expand and diversify the income of an established rural business, helping to sustain the business in the long term. As such, the development would contribute to the overall policy objectives of CS policies CS1.1 and CS2.1, and the Framework in terms of recognise the importance of local business development and diversification in rural areas to support the local economy.

### **Other Matters**

21. Castle Head is Grade II Listed. The listing description indicates that the house dates from the late 18<sup>th</sup> century, albeit it was extensively re-modelled and extended in the later 19<sup>th</sup> century, and extended again in the 20<sup>th</sup> century. The building is elevated in relation to the river and land to the east, with a verandah that includes latticework balustrading. The listing indicates that the house was built by John Wilkinson, who drained and improved the adjoining mosslands also.
22. The setting of this listed building contributes to its significance, particularly its elevated position in relation to, and outlook over, land to the east. Mature trees are positioned within the property and along the private lane, which provide a significant buffer between the appeal site and the listed building. Given the presence of this buffer, and both the transitional and low-level scale of the proposed use, the proposal would preserve the significance of this listed building that is derived from its setting.
23. The appellant indicates that the proposal provides additional benefits in terms of reduced emissions and minimising future energy use through modern methods of construction and materials, efficient use of natural and man-made resources,

waste reducing measures and efficient energy and water use, and contributing to physical and mental well-being. However, there is little detailed evidence provided with the proposal to substantiate these benefits. The land is not presently disused. The proposal would contribute to the local economy during the construction and operational phase and would likely support local services. These benefits attract modest weight in favour of the appeal scheme.

### **Conclusion**

24. While I have found that the proposed development is within a reasonably accessible location and it would expand and diversify the income of an established rural business, helping to sustain the business in the long term, it has not been demonstrated that the proposal is acceptable in relation to the sequential test. The benefits of the proposal do not overcome the failure to appropriately apply the sequential test.
25. 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