



Appeal Decision

Site visit made on 5 March 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/A2335/W/24/3357058

Bridge End Farm, Brookhouse Road, Brookhouse, LA2 9NW

- 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 P Kershaw against the decision of Lancaster City Council.
 - The application Ref is 23/00946/FUL.
 - The development proposed is refurbishment of existing farmhouse, demolition of existing extensions and erection of a replacement single storey rear extension, conversion of outbuildings to annexe, conversion of existing barn to single dwelling, erection of two new dwellings to the land to the south and one new dwelling to land to the north.
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Decision

1. The appeal is allowed and planning permission is granted for refurbishment of existing farmhouse, demolition of existing extensions and erection of a replacement single storey rear extension, conversion of outbuildings to annexe, conversion of existing barn to single dwelling, erection of two new dwellings to the land to the south and one new dwelling to land to the north at Bridge End Farm, Brookhouse Road, Brookhouse, LA2 9NW in accordance with the terms of the application, Ref 23/00946/FUL, subject to the conditions in the attached schedule.

Preliminary Matters and Application for Costs

2. After the date of the site inspection, the Environment Agency produced revised flood maps. This updated information, together with the further representations made by the parties, has been taken into account. The appellant's application for costs against the Council is the subject of a separate decision.

Main Issues

3. These are:
 - Whether the sequential test for flooding has been met;
 - The risk of flooding and its consequences for future occupiers; and
 - If any harm arises in respect of flooding, whether this is outweighed by material considerations.

Reasons

4. The appeal site includes a group of vacant farm buildings, including a farmhouse, together with vehicular access to them along a track from Brookhouse Road. The farmhouse would be refurbished and a replacement extension added. The

existing barn would be converted to a dwelling and a cart shed and piggery would also be retained and used for ancillary residential purposes. Two new houses are proposed to the south of the farmstead and a single storey dwelling would be sited to the north closer to the road.

Sequential test

5. The National Planning Policy Framework establishes that a sequential, risk-based approach should be taken to individual applications known to be at risk now or in future from any form of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. The approach to development and flood risk in Policy DM33 of the Development Management Development Plan Document includes similar provisions.
6. An unnamed watercourse runs through the site between the farm buildings and the site of the new houses and flows into Hunters/Artle Beck. Parts of the appeal site lie within flood zones 2 and 3 and so have a high/medium probability of flooding. The risk is from surface water flooding associated with the stream rather than fluvial flooding. The Framework nevertheless indicates that account should be taken of all sources of flood risk as well as the impacts of climate change. To that end, the mapping undertaken takes account of future flood risk. The Council also refers to the risk of groundwater flooding across the entire site.
7. A sequential test was found to not be required in the Hest Bank appeal (Ref: APP/A2335/W/24/3350855). However, in that case the risk level of surface water flooding was very low and the areas at risk did not relate to the proposed built development.
8. The appellant's sequential test reviewed sites within the urban area and sustainable rural settlements across the District. It also considered sites either 10% smaller or larger than the area of the four additional dwellings. These were taken from the Strategic Housing and Employment Land Availability Assessment, from three local agents and from a search of planning applications. All sites were discounted for a variety of reasons including their unavailability, size or location in areas of similar flood risk or as the development permitted had been completed.
9. Given that the sites contain existing buildings, the logical approach to considering whether there are reasonably available sites appropriate for the proposed development would be to do so on the basis of the three new dwellings. It is not claimed that these properties are essential to fund the works to the existing buildings as enabling development and therefore they are not inextricably linked to the appeal site. In terms of the approach taken, contacting three local agents was adequate and there is nothing to indicate that the conclusions reached about the availability of, or the flood risk at, comparator sites was incorrect.
10. Nevertheless, in the Galgate appeal (Ref: APP/A2335/W/23/3326187) the Inspector drew attention to the advice in the Planning Practice Guidance that reasonably available sites could include a series of small sites or parts of a larger site. More to the point, limiting the extent of the site search to an area very similar to the proposal unnecessarily restricted the possibility of finding land suitable for three dwellings. Given the extent of flooding within Lancaster and the housing land supply position, it may be that preferable sites do not exist. However, the exercise undertaken does not convincingly show that there are no other suitable options for housing development of the scale proposed.

11. As such the sequential test for flooding has not been met and the proposal conflicts with Policy DM33 in this respect.

Risk of flooding

12. The Framework indicates that development should only be allowed in areas at risk of flooding where certain matters can be demonstrated. In this respect the farmhouse and barn are existing buildings and therefore cannot be moved to a different location. The new dwellings themselves are outside Flood Zones 2 and 3 although the accesses to them are within it. As such, the most vulnerable new development would be located in areas of lowest risk from surface water flooding within the site.
13. The finished floor levels of the farmhouse and barn would be above the 1 in 100 year surface water flood level and resilience measures would also be incorporated 600mm above that. As such, in the event of a flood, it is likely that the properties could be quickly brought back into use without significant refurbishment. Surface water would be discharged into soakaways and the scheme therefore incorporates a sustainable drainage system. The farmhouse and barn have upper floors which would provide a safe refuge in an emergency and this would manage any residual risk. Safe access and egress to the north would be available for future occupiers.
14. In these ways, all of the expectations of paragraph 181 of the Framework would be achieved by the proposal.
15. Furthermore, the removal of three culverts from the watercourse would increase capacity within it and so reduce the risks. If surface water flooding did occur then the impact would be mitigated by the stone wall adjacent to the watercourse. This would restrict flow towards the farmhouse and barn and the central courtyard. If any water did escape then the removal of a section of wall on the northern side of the courtyard, coupled with the fall of the land, would avoid ponding.
16. Overall, the risk of surface water flooding adversely affecting the proposed properties would be slight and the likely consequences for future occupiers would be insignificant.
17. However, groundwater levels are very near to the surface and the Council categorises the risk from this source as high to medium although without specifying what this means in practice. The Strategic Flood Risk Assessment nevertheless indicates that there have been no reported incidents of groundwater flooding within the River Lune catchment area. That said, no specific measures are put forward to manage any risk from this source.
18. Although this form of flooding is difficult to predict, no evidence has been put forward to explain the likely impacts including which parts of the site would be most likely to be affected. Despite the limited information it would be unwise to ignore the potential risk. Therefore, in the absence of detailed commentary from either party, there would be a risk of groundwater flooding affecting future occupiers. The measures outlined above would mitigate any impact on people and property but there would nonetheless be a conflict with Policy DM33.

Material considerations

19. It is significant that there is currently a dwelling within the flood risk area which is susceptible to surface and groundwater flooding. That position would remain in

the event that the appeal was dismissed. However, the proposal would bring about tangible improvements in this respect. In particular, the infiltration system proposed has been applauded by the Lead Local Flood Authority. Furthermore, the removal of the culverts and their replacement with a single clear span bridge with higher freeboard would reduce the prospect of water overtopping the stream.

20. Although localised these are nonetheless significant benefits which accord with the aspirations of parts of Policy DM33 as well as Policy DM34 of the Development Plan Document relating to surface water run-off and sustainable drainage.
21. The stone farmhouse, barn and outbuildings are attractive and of aesthetic and historic value. They are categorised as non-designated heritage assets. However, the buildings are showing marked signs of deterioration and it is evident that new or reinstated uses are required for all of them to ensure their repair and longevity. The proposal would achieve that in a positive and respectful way so that they can be enjoyed by future generations. The Framework establishes that great weight should be given to an asset's conservation.
22. There is no claimed financial link between the three new houses and the conversion and refurbishment of the farmstead. However, this scheme is the only one on the table and follows a long period of pre-application engagement which explored various options. It accords with Policy DM41 of the Development Plan Document. If the appeal was allowed this would set a clear path for these valuable buildings to be restored and given new life. This would be a significant benefit.
23. The proposal is not the subject of the mandatory biodiversity net gain requirements. However, by various means this would be increased by 71.9% linear units, 5.5% watercourse units and 3.9% area units. As such, biodiversity would be enhanced in line with Policy DM44 although not to a major extent.
24. The housing land supply position in Lancaster is not at all good as the appellant refers to a "dwindling" 2 year supply. The proposal would make a modest but useful contribution in this respect and so go towards delivering a sufficient supply of homes in line with the Government's objectives.
25. The failure to pass the sequential test means that there is a conflict with national and local policy. Although the risk of flooding from surface water would be insignificant the site is within an area of high to medium risk of flooding from groundwater. On the other hand, the proposal includes various measures that would reduce the risk of flooding in the immediate area where there is already residential accommodation. Furthermore, the proposal would bring about significant benefits to the historic environment. It would also lead to biodiversity gains and add to the supply of housing in a District where there is a large shortfall.
26. The benefits of the proposed scheme are considerable when taken together. Whilst the flooding risk should not be underplayed the balance of advantage lies in accepting the proposal and allowing development to proceed. In short, therefore, the harm that would occur and its potential implications are outweighed by the strength of the material considerations in favour.

Other Matter

27. The appeal site is within the Forest of Bowland National Landscape. Great weight should be given to conserving and enhancing its landscape and scenic beauty.

The re-use of the historic buildings would be beneficial in this respect. Whilst the new houses would bring about some visual change they are discretely positioned within the wider area. As such, no harm would be caused to the qualities of the National Landscape.

Conditions

28. The approved plans should be specified in the interests of certainty. Given the likely past uses of the land, contamination should be investigated and remediated if required. Recording of the existing buildings is necessary given their historic value. To ensure that the development functions properly and safely, details of foul drainage and the access should be agreed and the passing places provided. Ecological mitigation, biodiversity gains, tree protection and planting should be secured to protect and enhance the natural environment.
29. Due to the flooding issues affecting the site, details of sustainable drainage should be approved and the resilience measures incorporated. To respond to the challenge of climate change, sustainable design measures should be carried out and water consumption minimised in accordance with Policy DM30b. Cycle storage should be required to promote sustainable transport.
30. In the interests of the character and appearance of the National Landscape and the setting of the non-designated heritage assets, details of the external materials and finishes of the development should be controlled. For similar reasons, restricting certain permitted development rights is justified. However, blanket removal of complete parts of the Order, including those relating to minor operations and renewable energy, would be excessive and is not warranted.
31. Some of the details referred to by these conditions are required before construction starts as they would affect that process and so need to be agreed prior to commencement. Where necessary, the wording of the suggested conditions has been adjusted for simplicity and clarity.
32. The use of the outbuildings as separate dwellings would require planning permission in any event and so a condition in this respect is not justified.

Conclusion

33. Although the proposal is in line with the majority of policies in the Development Plan Document, the conflict with parts of the policy relating to flooding means that it does not comply with the development plan as a whole. However, for the reasons given, material considerations indicate that the appeal should be decided other than in accordance with the development plan. Therefore, the proposed development is acceptable and the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

5834b/b/01 RevC (Location Plan)
5973/c/b/01 RevN (Site Plan) – schedule refers to Rev P 19/04/24
5973/d/c/02 RevK (Site Plan North)
5973/c/b/03 RevM (Site Plan South)
5973/c/b/10 RevA (Farmhouse Proposed Plans and Elevations)
5973/c/b/13 RevH (Barn Proposed Plans and Elevations)
5973/c/b/12 RevA (Outbuilding Cartshed and Piggery Proposed Plans)
5973/c/b/41 RevC (Proposed New Build Plot 2)
5973/c/b/42 RevD (Proposed New Build Plot 3)
5973/c/b/43 RevB (Proposed Bungalow Unit 4)
5973/c/b/44 (Proposed Garage Plans and Elevations)

- 3) No development, site preparation/clearance or demolition shall commence until the following details have been submitted to and agreed in writing by the local planning authority:
 - A detailed scheme for the investigation and recording of contamination and remediation objectives determined through risk assessment; and
 - Proposals for the removal, containment or otherwise rendering harmless of any contamination (the Remediation Method Statement).

If during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be submitted to and agreed in writing by the local planning authority.

Prior to the development hereby permitted being occupied the following details shall be submitted to and agreed in writing by the LPA:

- Confirmation that the works specified in the Remediation Method Statement have been completed in accordance with the approved scheme; and
 - A Validation Report and Certificate, confirming achievement of the Remediation Method Statement's objectives, including confirmation of the agreed remediation of any unforeseen contamination encountered during the works.
- 4) No development, site preparation/clearance or demolition shall commence until recording and analysis of the buildings to be converted has taken place in accordance with a written scheme of investigation which has been approved in writing by the local planning authority. The results of the recording and analysis shall be submitted to the local planning authority in accordance with a previously agreed timetable.

- 5) No development, site preparation/clearance or demolition shall commence until details of the foul drainage system have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the foul drainage system has been fully implemented and is operational in accordance with the approved details.
- 6) No development, site preparation/clearance or demolition shall commence until the following ecological mitigation details have been submitted to and approved in writing by the local planning authority:
- A method statement and management strategy for bats to be informed by an additional emergence and re-entry surveys carried out at the optimum time of year;
 - A method statement detailing control measures for cotoneaster; and
 - A method statement to protect the watercourse from accidental spillages, dust, overland flow and debris.
 - Any lighting scheme (both during and post construction).

The development shall be carried out in accordance with the approved details in addition to the measures to protect amphibians and mammals contained in the Preliminary Ecological Appraisal, carried out by Envirotech ref: 5912 and dated 4 December 2023, Sections 7.2.3 and 7.3. No works to trees or shrubs shall occur or building and/or demolition works commence between 1 March and 31 August in any year unless a detailed bird nest survey has been carried out immediately prior to clearance and it has been agreed in writing by the local planning that no active bird nests are present.

- 7) No development, site preparation/clearance or demolition shall commence until a scheme for improvements to the site access with the highway have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details in accordance with a timetable previously agreed in writing by the local planning authority.
- 8) No development (other than site preparation/clearance and demolition) shall commence until details of the design and implementation of a surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The details to be submitted for approval shall include:
- (a) Sustainable drainage calculations for peak flow control and volume control for the:
- (i) 100% (1 in 1-year) annual exceedance probability event;
 - (ii) 3.3% (1 in 30-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep;
 - (iii) 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep.
- (b) Final sustainable drainage plans labelled to include:
- (i) Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;

- (ii) Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels, to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - (iii) Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - (iv) Drainage plan showing flood water exceedance routes;
 - (v) Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - (vi) Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - (vii) Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- (c) An assessment of the existing culverted watercourse to be used, to confirm that this system has sufficient capacity to accept surface water runoff generated from the development.
- (d) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- (e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required;
- (f) A timetable for implementation, including phasing as applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved Operation and Maintenance Manual details.

- 9) No development or demolition works shall commence until a Sustainable Design Statement, including an Energy and Carbon Statement has been submitted to and approved in writing by the local planning authority. This should include details of:
- How the carbon emission reduction requirements set out in Policy DM30a of the Climate Emergency Review of the Local Plan will be achieved in accordance with the energy hierarchy;
 - Measures to address energy demand to the lowest practical level, in accordance with the energy hierarchy;
 - Monitoring and evaluation during construction/built stages;
 - Provision of post occupancy advice to residents;
 - Water efficiency and consumption measures;

Thereafter, the development shall be carried out in accordance with the approved Sustainable Design Statement.

- 10) No development above ground shall commence until details of the soft landscaping of the site (including the retention of existing trees and hedges) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in the first planting season following completion of the development, or following first occupation, whichever is the earlier.
- 11) No development above ground shall commence until a scheme for ecological enhancement/ biodiversity net gain, and associated timescales for implementation, management and maintenance have been submitted to and approved in writing by the local planning authority. The measures shall be implemented, managed and maintained in accordance with the approved details.
- 12) The development above ground of the new build dwellings and associated garages hereby permitted shall not commence until the following details and samples for use in their construction have been submitted to and approved in writing by the local planning authority:
 - Details and sample of slate;
 - Details and sample of stone, including the type, coursing and jointing, with a sample panel to be erected on site prior to the commencement of the stonework;
 - Details and sample of all proposed cladding;
 - Details and sample of heads, cills, quoins and window surrounds;
 - Details of all window frames and doors including material, colour, design, thickness of frames and amount to be recessed from the face of the outer wall;
 - Details of all rainwater goods;
 - Eaves, verge and ridge details;
 - Details of external flues including colour and finish.
 - Details of all boundary treatments; and
 - Details of external surfacing materials.

Development shall be carried out in accordance with the approved details.

- 13) No works shall be carried out to the buildings proposed for conversion, including those to be used in association with the existing farmhouse, until the following details and samples to be used for the conversion and the farmhouse extension have been submitted to and approved in writing by the local planning authority:
 - Details and sample of any new slate;
 - Details and sample of any new stone, including the type, coursing and jointing, with a sample panel to be erected on site prior to the commencement of the stonework;
 - Details of any stonework repairs including new pointing;
 - Details and sample of any new heads, cills and quoins;
 - Details of all window frames and external doors including sections, material, colour, design and amount to be recessed from the face of the outer wall;
 - Details of louvres;
 - Details of rooflights including position in relation to the roofslope;

- Details of all rainwater goods;
- Eaves, verge and ridge details;
- Detail of any external flues and vents including colour and finish;
- Details of all boundary treatments; and
- Details of external surfacing materials.

The development shall be carried out in accordance with the approved details.

- 14) No development above ground shall commence until details of cycle storage for all new residential units have been submitted to and approved in writing by the local planning authority. The approved storage shall be provided prior to the first occupation of the associated dwelling and shall be retained and be available for the parking of bicycles at all times thereafter.
- 15) The development hereby permitted shall achieve, as a minimum, the optional requirement in Building Regulations Requirement G2 (Water efficiency). The dwellings shall not be occupied until the Building Regulation optional requirement has been complied with.
- 16) The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Implications Assessment, carried out by Yew Tree and Gardens and as revised on 13 March 2024. The suggested mitigation measures shall be fully implemented before any equipment, machinery or materials are brought onto site, retained in situ for the duration of the works, and only removed once the development is complete and all machinery and works material have been removed from the site.
- 17) No part of the development hereby permitted shall be occupied until the four passing places along the access track, as shown on drawing number 5973/c/b/01 Rev N, have been implemented in full. These shall be retained as such at all times thereafter.
- 18) The development hereby permitted shall be constructed in accordance with the mitigation measures including finished floor levels and flood resistance/resilient design specified within the Flood Risk Assessment carried out by bEk Enviro Ltd (Ref: BEK-21850-1-RevG). Where required the approved measures shall be retained at all times thereafter.
- 19) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development under Classes A, B and E of Part 1 of Schedule 2 of that Order shall be carried out.