



Appeal Decision

Site visit made on 7 May 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/A2335/W/25/3361190

Ireby Green Caravan Park, Woodman Lane, Ireby, Lancashire LA6 2JH

- 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 John Welbank on behalf of JD & SM Welbank against the decision of Lancaster City Council.
 - The application Ref is 24/01144/FUL.
 - The development proposed is the change of use of land to form 12 seasonal caravan pitches.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - Whether a legal agreement is necessary to ensure that the units on site are not subject to permanent residential occupancy; and
 - The effect of the proposed development on the character and appearance of the site and surrounding area, including its landscape character.

Reasons

3. The proposed development would involve the change of use an agricultural field for the siting of 12 touring caravan pitches with year-round use and the installation of associated access track and levelling works.

Planning Obligation

4. Policy DM52 of Local Plan for Lancaster District – Part Two: Development Management Development Plan Document, adopted January 2025 (the DMDPD) states that the Council will seek to regularise the duration of opening of existing caravan sites within the district (including chalets, camping pods and log cabins). Criteria XIV of this policy, states that to ensure that the accommodation will remain in visitor use only and will not be used for permanent residential occupation a legal agreement will be required. This requirement is not disputed by the appellant.
5. However, whilst I note there are existing legal agreements in place in relation to the wider site, this appeal is not supported by a completed planning obligation or other appropriate mechanism to control occupancy of the proposed caravans.

6. I have considered the Council's requirements set out above in light of the statutory tests contained in the Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the Regulations) and reiterated at Paragraph 58 of the National Planning Policy Framework.
7. On the basis of the evidence before me, I find that, a planning obligation to control occupancy would be necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonably related in scale and kind to the development. It would therefore meet the statutory tests set out in the Regulations.
8. Whilst I have had regard to whether the occupancy could be secured by planning condition, in this particular case, Policy DM52 of the DMDPD explicitly states that a legal agreement will be required. Therefore, whilst I acknowledge that the appellant's position that typically a Section 106 Agreement would be entered into by the appellant and the Council prior to planning permission being granted, the Planning Appeals: Procedure Guide – England¹ states that if the appeal is following the written representations procedure, the appellant must ensure that we receive an executed and certified copy of the planning obligation at the time of making their appeal.
9. Planning Practice Guidance (the PPG) states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. It further states that ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.
10. The PPG also states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes). However, in this particular case, there are no exceptional circumstances before me and therefore the use of a planning condition to secure the obligation would not be appropriate in this instance.
11. Consequently, in the absence of a planning obligation or other legal mechanism to ensure the proposed development will remain for visitor use only, it would be contrary to Policy DM52 of the DMDPD which requires amongst other things a legal agreement to be in place to prevent permanent residential occupancy.

Character and Appearance

12. The appeal site comprises an undeveloped agricultural field located to the western edge of Ireby Green Caravan Park which is an established caravan site. It is located approximately 200 metres to the southeast of the A65 and to the south of the village of Ireby. The site sits at a relatively low level and is mostly flat. It is partly enclosed by stone boundary walls, with some post and rail fencing.

¹ Paragraph 18.2.2.1

13. The wider site consists of a farmhouse as well as a small group of agricultural and caravan storage buildings, and a café/farm shop with associated car park. Ireby Beck is located at the southern part of the site with a belt of established trees following its course. The existing caravan site comprises approximately 73 touring caravan pitches.
14. The appeal site lies within the Bentham-Clapham Drumlin Field Landscape Character Area, which is defined as a mixture of open drumlin fields, small mixed woodlands punctuating the landscape and defined field boundaries interspersed by isolated farms and settlements. A number of Public Rights of Way (PROW) pass through fields adjacent to the site. The appeal site is also close to the boundary of the Yorkshire Dales National Park (the YDNP), which lies adjacent to the A65.
15. The proposal relates to the extension of an existing caravan site, for which there is support in principle. Policy DM52 of the DMDPD states that proposals for the extension of an existing caravan site will be supported in principle within the district where they are outside of areas designated for landscape importance, in appropriate and sustainable locations, to an appropriate scale, subject to a number of criteria.
16. The appeal site is not located within an area of landscape importance. However, Policy DM52(II) states that for locations outside of protected landscapes, the proposed development should have no adverse impact upon the landscape character or significant detrimental impact on the visual amenity of the locality and includes satisfactory proposals for additional landscaping where required. Paragraph 187 of the National Planning Policy Framework (the Framework) also states that planning decisions should contribute to and enhance the natural and local environment, by amongst other things, recognising the intrinsic character and beauty of the countryside.
17. The existing caravan site is already established and has been extended at various times and in different locations within the wider site. For the most part, the existing caravan development is enclosed by physical features within the landscape such as large existing buildings/barns or as a result of the presence of existing stone boundary walls. It is not disputed that these features form a sense of visual containment. The appellant has also recently planted a large number of trees to the north and west of the appeal site. The presence of these bands of trees reduces, to a degree some of the openness of the field.
18. The appeal site would only be partly enclosed by stone walls and would mostly be enclosed by tree planting. Therefore, whilst I accept that the proposed extension of the caravan site would be in a more visually open location, the caravans would also be sited on land, which is located between existing development.
19. In this particular context, it would not result in the harmful sprawl of caravan development, nor would it appear as an incongruous or discordant feature within the surrounding landscape. Instead, it would be viewed as a continuation of the existing caravan site which lies adjacent to the appeal site and would be visually sited between the large agricultural buildings associated with both Ireby Green and Ireby Hall Farms, but with substantial areas of planting to soften the overall appearance of the development. Furthermore, in wider views of the site, the proposed development would not result in the harmful incursion of the caravan site

into the surrounding landscape to the detriment of the landscape, character and appearance of the area.

20. The proposal is supported by a Landscape and Visual Impact Appraisal (the LVIA), which identifies a number of public receptors from which the impact of the proposed development has been assessed.
21. The LVIA acknowledges that the primary viewpoints² would be from the PROW³ which is located immediately to the south of the appeal site. From these locations, users of the public footpath are afforded relatively open views upwards towards the A65 for a section of footpath measuring approximately 40m metres. However, any walkers using this footpath would depending on their direction of travel, either pass through the existing caravan site and farm complex or be walking towards the existing caravan site and farm complex. The LVIA recommends additional planting, in the form of a woodland strip which is shown on the accompanying landscape plan and would further minimise any localised visual impact from the proposed development.
22. Further receptors⁴ identified in the LVIA are located on the A65, which is to the north of the appeal site, approximately 200 metres distance away. There is new planting⁵ situated between the A65 and the appeal site, which although still becoming established will provide additional screening. However, even in the absence of this additional screening, for the most part views from these locations would be glimpses only. Furthermore, those travelling along the A65 by vehicle are likely to be travelling at speed (60mph).
23. In respect of the PROW⁶ which runs through Ireby Hall Farm between Burton-in-Lonsdale and the A65. the appeal site would be visible from limited sections of the footpath, but for the majority of the route screened by existing large agricultural buildings or mature trees. As with the views from other nearby public footpaths, the appeal site would be viewed in the context of neighbouring development which includes the existing caravans on the adjacent parcel of land. Therefore, whilst I accept that there would be some change to the visual impact experienced in this location, this would not cause significant harm to the landscape, character and appearance of the area in light of the surrounding context.
24. In respect of the remaining receptor locations⁷ identified in the LVIA, no significant adverse effects have been identified. Therefore, I am satisfied that the proposed development could be accommodated within the site and the wider landscape without any significant detrimental change upon the wider landscape.
25. The appeal site lies outside of a Protected Landscape. However, as noted above the YDNP boundary is located within the A65, a short distance to the north of the site. Therefore, whilst the proposed development will not directly affect the YDNP, due to the close proximity of the boundary development it has the potential to affect the setting. The Framework is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which are afforded the highest status of protection.

² LVIA Receptors A1 to A5

³ FP0118002

⁴ LVIA Receptors D1-D4 and E1-E4

⁵ Tree planting which has taken place since 2020.

⁶ FP0118001

⁷ Receptors B1, C1-C6, F1-F3, G1, H1-H2, I1 and J1-J2

26. I am also mindful of the statutory duty, which is now set out in Section 245 of the Levelling-up and Regeneration Act 2023 (the LURA) which amended the earlier duty, and which requires that relevant authorities must 'seek to further' the statutory purposes of Protected Landscapes. The statutory purposes of the National Parks are set out on the DEFRA guidance as conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated and the requirement to promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
27. The Council has not raised any specific concerns in relation to the effect of the proposed development on the YDNP. The LVIA found that the proposed development would not readily be visible from the YDNP and therefore there would be no adverse impact upon the character of the YDNP or upon the setting and approaches. On this basis, the proposed development would conserve and enhance the natural beauty, wildlife and cultural heritage of the areas designated. The proposal also seeks to provide additional visitor accommodation which would promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
28. Therefore, whilst I acknowledge the proposal would result in a change to the character and appearance of the appeal site, this is mostly limited to direct views of the site from the adjacent public footpath where the development would be viewed alongside the existing caravans. In this context, this would not equate to an adverse impact upon the landscape character or significant detrimental impact on the visual amenity of the locality. In wider views, the distance, intervening buildings and landscape features as well as the surrounding landform will ensure that there are no significant visual effects experienced. Furthermore, the existing and proposed landscaping will help limit more immediate views of the proposed development into the landscape within the short-to-medium term.
29. For these reasons, I therefore find that the proposed development would not result in any adverse impacts on the intrinsic landscape character, visual amenity and scenic beauty of the surrounding countryside in this locality and that the proposed development would conserve and enhance the setting of the YDNP. Thus, it would comply with Policy EN3 of the Strategic Policies and Land Allocations Development Plan Document, adopted January 2025 and Policies DM29, DM46 and DM52 of the DMDPD which require amongst other things, development to have no adverse impact upon the landscape character or significant detrimental impact on the visual amenity of the locality and includes satisfactory proposals for additional landscaping where required and be in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance and landscaping.

Other Matters

30. Ireby Hall Farmhouse is a Grade II Listed Building⁸ located approximately 150 metres to the west of the development site. Section 66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest it possesses. The Framework highlights that designated heritage assets are an irreplaceable resource. As a result,

⁸ List Entry Number: 1071661

Paragraph 205 of the Framework requires that when considering the impact upon the significance of a designated heritage asset, great weight should be given to the asset's conservation.

31. Between the appeal site and the listed building is a complex of modern agricultural buildings which form a buffer between the development and the asset. Furthermore, the orientation of the asset is north-south, and it does not face the location of the proposed development. The Council concluded that given the land to the north and east of the asset has already been compromised by the agricultural development, which then provides a visual barrier to the appeal site, the proposal does not result in harm the setting of the listed building. Based on the evidence before me and my own observations, I see no reason to disagree with this assessment. Therefore, I find that the proposed development would preserve the setting of the listed building.
32. The appellant states that the Council did not visit the appeal site prior to determining the application, but instead relied upon observations made at a pre-application meeting held in 2022. This is disputed by the Council in their appeal statement. They have included a time and date stamped photograph to demonstrate that the site was visited. Nonetheless, whether or not the Council visited the appeal site prior to determination of the application has had no bearing on my consideration of the appeal scheme.

Conclusion

33. For the above reasons, whilst I have found that the proposed development would not result in an adverse impact upon the landscape character or significant detrimental impact on the visual amenity of the locality, it would be contrary to Policy DM52 of the DMDPD which requires amongst other things a legal agreement to be in place to prevent permanent residential occupancy of the proposed caravans.
34. Consequently, the proposed development would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight that indicate that a decision should be taken otherwise in accordance with it. Therefore, the appeal should be dismissed

K Lancaster

INSPECTOR