The Planning Inspectorate

Appeal Decision

Site visit made on 8 February 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2016

Appeal Ref: APP/D2510/W/15/3136646
Country View Riding School, Fen Lane, North Somercotes, Lincolnshire LN11 7LY

- 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 and Mrs Marshall against the decision of East Lindsey District Council.
- The application Ref N/132/01477/15, dated 5 August 2015, was refused by notice dated 5 October 2015.
- The development proposed is construct and use a holiday cabin for business/tourism purposes.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would be sustainable rural tourism in the context of local and national planning policies taking particular account of the location of the site; the effect of the proposal on the character and appearance of the area; flood risk and access.

Reasons

3. Policy T12 of the East Lindsey Local Plan Alteration (the LP) is supportive of new visitor accommodation alongside settlements where, amongst other things, it does not harm the character of the local area. Policy A5 of the LP seeks good quality design that does not detract from the distinctive character of the locality and protects the quality of the local environment.

4. The National Planning Policy Framework (the Framework) supports economic growth and tourism in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development of quality design which respects the character of the countryside. To that extent, despite being of some age, Policies T12 and A5 broadly conform to those principles of the Framework which contain a presumption in favour of proposals that satisfy the environmental, economic and social dimensions of sustainable development and protect the countryside.

Environmental sustainability

Location

5. The appeal site is some 2 miles from the village of North Somercotes. It lies within open countryside in an isolated position some distance from any other buildings and divorced from any settlement with services and facilities. Whilst the location would offer access to the Country View Riding School (the Riding School) further along Fen Lane, to the lakes, for bird watching and to the countryside generally, I conclude that it is not a particularly sustainable location in terms of easy accessibility to services and facilities for visitors. However, I acknowledge that rural tourism by its nature is more likely to rely on the private vehicle. I conclude that in principle the location is not so isolated as to justify with holding permission for that reason alone provided that other planning policies are satisfied.

Character and appearance

6. The site is part of a wide flat agricultural landscape. There are some hedgerows and trees and some clusters of mainly agricultural and residential buildings nearby, generally grouped together, including the Riding School and its house which is prominent across the fields. Despite the wind farm in the distance the character of the area is predominantly one of relatively undeveloped open rural countryside.

7. Many of the nearby fields do not have significant hedge or tree cover and the topography is relatively flat. The proposed cabin would be sited close to Fen Lane beside a right angled bend. Behind the appeal site are lakes, partially screened by banking and developing hedgerows, but these would not screen the cabin from views along Fen Lane or the wider area. Notwithstanding the need for an isolation paddock, I have seen no convincing evidence that an alternative more visually acceptable location is not available. I conclude that the proposed cabin would be an isolated prominent incongruous feature in the landscape. Accordingly it would not be good design and would be detrimental to the locally distinctive character and appearance of the area and to that extent would be contrary to Policies T12 and A5 of the LP and the Framework.

8. The appellants' propose that bunds and the planting could to a degree assimilate the cabin into the landscape over time. However the appeal site as shown on the submitted plan is relatively restricted in size and the degree to which landscaping could be incorporated within it without affecting the use of the land around the lakes is unclear. Accordingly, on the basis of the available evidence this does not lead me to a different conclusion.

Flood risk

9. The appeal site is within Flood Zone 3, with a flood hazard rating of risk of "danger to most". The Framework directs development away from areas of highest flood risk towards areas of lowest probability of flooding usually by way of the application of a Sequential and Exceptions Test (a SET). The Technical Guidance to the Framework on flood risk specifically states that a SET should be carried out for change of use of land to a caravan, camping or chalet site and I would have expected this requirement similarly to apply to the proposal for a cabin. The Council says there are other sites within the Louth holiday

sub-area at lower risk of flooding than the appeal site. Whilst I see no reason to doubt this I have no evidence about these areas or their likely availability.

10. Due to the scale of the proposal I consider that the proposed development would be unlikely to significantly affect the likelihood of flooding events on the site or elsewhere.

11. Notwithstanding the location of the appeal site in Flood Zone 3 and the lack of a SET, the Environment Agency (the EA) raises no objections subject to safe guarding conditions. Setting of the cabin above ground level and anchoring it would help mitigate physical damage to the structure and this could be secured by condition. The proposed top down electrical wiring; raised plug sockets; and careful choice of furniture and furnishings would further mitigate damage should a flood event occur.

12. The EA maintains the requirement for a condition preventing occupancy of the cabin during the winter months when flooding might be more likely to occur, and I note the Parish Council considers that, with a proper FRA and implementation of the EA mitigation measures, it should be possible to address flood risk. The appellants' propose instead that, as their business and house are on the Early Warning System thus receiving advance notice of the likelihood of inundation, they could notify occupiers of the proposed cabin and move persons and livestock to higher ground. The appellants could also seek to prevent visitors from arriving if the forecast suggested flooding was possible especially as flooding is not an everyday occurrence.

13. The Riding School and the house are some distance away. The proposed arrangements would be likely to add to the complexity and difficulties in responding to notification of a potential flood event from the Early Warning System and, in my view, would not be robust enough to sufficiently mitigate the potential danger to future occupiers of the proposed cabin. Moreover there may well be both business and visitor resistance to cancellations at short notice as weather forecasts are not always accurate.

14. The appellants' consider that there is a world of difference between new development and the expansion of an existing business and that a SET is therefore not appropriate. However, the proposal would introduce an additional "more vulnerable" residential use, albeit normally by different visitors for short periods, in a relatively isolated location. The submitted Flood Risk Assessment (FRA) lacks detail and a SET may well identify more appropriate locations within the appellants' ownership or otherwise in close proximity to the existing business or other buildings.

15. The appellants refer to visitors camping but it is not clear to what extent or where this takes place, or the extent to which the proposed cabin would reduce the use of tents. Moreover, cabin accommodation may well encourage residential occupation during less clement weather than might be the case in tents, particularly as I am told there is a growing winter tourism season associated with seal watching.

16. In the absence of a detailed FRA and SET and the uncertainty surrounding warning systems, I am unable to conclude that the proposed development would be acceptable due to the risks posed to future occupiers by flood risk. Accordingly I conclude that it would be contrary to those principles in the

Framework that seek to reduce flood risk, irrespective of the frequency with which they might occur. I give this significant weight.

Access

17. The site is towards the end of Fen Lane, a single lane carriageway with few passing places. There is a wide verge alongside most of the carriageway and the sparseness of hedgerows allows good visibility along most of its length. There is potential for damage to verges and the edge of the carriageway should vehicles need to pass each other.

18. As there are few premises along it, the vehicle movements along Fen Lane, other than those associated with the appellants' business, is likely to be low. There is likely to be a trade off between trips for visitors staying on Fen Lane as opposed to staying in the village, and whether horse box movements in particular would be likely to increase or decrease is not clear from the evidence.

19. On the balance of possibilities the additional traffic movements likely to be generated would not be so great as to warrant refusal for that reason alone. However, whether or not passing places could be provided elsewhere on Fen Lane, the plans show no provision for the parking and turning of vehicles/horse boxes associated with the proposed use of the cabin, and on that basis I conclude that satisfactory access arrangements would not be available. Accordingly the proposals would be contrary to those principles of the Framework that seek safe and suitable access for all.

20. For the reasons set out above I conclude that the proposal would not satisfy the environmental dimension of sustainable development and to that extent would be contrary to local and national planning policies.

Social and economic sustainability

21. Tourism is locally important to the economy of the District and, in providing employment, helps support local rural communities. Holidays in the countryside offer quiet and tranquillity and the Riding School offers tuition and riding activities. The proposed development would in a relatively limited way provide employment and income in the local area and I acknowledge the support of the Parish Council. The proposal is intended to meet those needs of the existing successful equine enterprise which are not met by existing facilities. It may well help support an existing local business although there is very little evidence to show this is the case, for example by way of the likely unmet demand for accommodation; a business plan; or that demonstrates that the proposed cabin is essential to the existing business.

22. For these reasons I conclude that the proposed development would have some limited benefits within the local economy and community. To that extent it would meet the social and economic dimensions of sustainability as envisaged in Policy T12 of the LP and the Framework.

Overall conclusions

23. I have concluded that the proposed development would have some limited economic and social benefits. However, I have also concluded that the proposed development would have a detrimental effect on the character and appearance of the area and that the proposals for managing potential danger

arising from flood risk are insufficiently robust. On balance, for the reasons set out above, I conclude that the adverse impacts of the proposed development as submitted significantly and demonstrably out-weigh the benefits when assessed against the principles of the Framework as a whole. The proposal would not be sustainable tourism and accordingly would be contrary to local and national planning policies.

24. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be dismissed.

SDHarley

INSPECTOR