



Appeal Decision

Site visit made on 18 January 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/N2535/W/21/3279681

Aberfoyle, School Lane, Broadholme, Lincoln LN1 2LZ

- 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 Sarunas Krencius against the decision of West Lindsey District Council.
 - The application Ref 142147, dated 10 December 2020, was refused by notice dated 17 March 2021.
 - The development proposed is change of use of land to site 5 caravans and the creation of lake.
-

Decision

1. The appeal is dismissed.

Background

2. The application form indicates that the application was retrospective. At the time of my site visit, the single static caravan indicated on the plans was in situ close to the main property, as per the plans. With regard to the 4no. caravans at the far end of the site, only one was located on site and was in a state of some disrepair. The lake has already been excavated.

Main Issues

3. The main issues in this appeal are-
 - The principle of the development.
 - The effect of the development of the character and appearance of the area; and
 - The effect of the development on the potential for flooding of adjacent land.

Reasons

Principle

4. With regard to the nature of the land use, from the evidence submitted, the larger site that contains the proposals for 4no caravans and the lake (hereafter known as Parcel B) appears to have been some form of smallholding and as such would be considered under Policy LP2 of the Central Lincolnshire Local Plan (2017) (the LP).

5. The static caravan near to Aberfoyle (hereafter known as Parcel A) is allocated into Tier 7, and Parcel B is allocated to Tier 8 of Policy LP2. Tier 8 includes a number of sub-criteria for which the appeal proposal does not fall into and given the paucity of information supplied by the appellant, I find that the link to an agricultural use is somewhat tenuous and ultimately, there is insufficient justification for the use of the static caravans on site for storage purposes and the housing of chickens.
6. With regard to the lake, whilst there are comments that the size of the lake is not consistent with that indicated in the application plan, I consider that there is insufficient justification for the lake, and the comment that it is for "wildlife and swimming" demonstrates that the two pursuits are incompatible, as I find that the biodiversity and wildlife aims of the lake would be harmed by the use for recreational activity such as swimming.
7. As for the physical appearance of the lake and surroundings, I shall deal with this as part of the assessment of later issues.
8. Furthermore, I find that the appeal proposals are contrary to the thrust of Policy LP55 relating to development in the countryside and again, the lack of a clear justification for the static caravans renders the proposals incompatible with the thrust of this policy.
9. In conclusion on this issue, I find that given the lack of clear agricultural justification, the proposals are not in keeping with Policy LP2 and LP55 of the LP which, amongst other matters, expect development to demonstrate that it is essential to the effective operation of agriculture and justify its enterprise in the rural economy.

Character and appearance

10. The area designated as Parcel B is located to the rear of the overall appeal site, and is exposed to open views to the rear of Parcel B. As Parcel B stretches to the rear of a number of properties, there are various methods of boundary treatment applied in order to screen the parcel of land from residential property.
11. The excavation material from the creation of the lake has been applied onto to the land surrounding the lake, and as such has artificially raised the height of the land. This altering of the natural ground level allows the occupants of Parcel B to bypass elements of the screening when walking on the raised area, as the raised land height corresponds to the height of fencing to some of the adjacent properties, allowing clear overlooking of the private amenity areas of those properties.
12. This elevated position also reinforces the need for an effective landscape solution. In an exposed rural area, there has to be some realistic mitigation put forward in order to screen the harmful elements of the impact on the wider landscape and key views around the locality, at present the mitigation is limited and fails to alleviate the harm caused by the caravans and the raised land profile.

13. As a result, I find that the proposals are contrary to policies LP17 and LP26 of the LP, as well as policies 2 and 11 of the Saxilby with Ingleby Neighbourhood Plan, which expect development to, amongst other matters, preserve local views and vistas, achieve high quality design and take into account local character.

Flood risk

14. The site is located in Flood Zone 3. The nature of the appeal proposals do not require an exceptions test, and the Consultees have raised no objection to the proposals.

15. However, despite this, there has no been no assessment of the flood risk implications of the proposals, in light of the raising of land levels, and the fact that the site is in Flood Zone 3, there should be an assessment carried out for the potential for flooding to nearby properties from a flooding event.

16. I realise that there has been some drainage piping installed into the raised land level area in order to address the potential issue, but without a correct assessment, it is not possible for me to be convinced that problems would not occur in a significant flooding event.

17. In conclusion, I find the proposals are contrary to Policy LP14 of the LP, which amongst other matters expect development to be informed by site specific flood risk assessments where appropriate, and that there is no unacceptable increased risk of flooding to the site or existing properties.

Conclusion

18. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR