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## Appeal Decision

Site visit made on 12 November 2025

**by Mr M Brooker DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

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**Appeal Ref: APP/N2535/W/25/3367150**

**The Mount Of Olives, Sheffield Road, Drinsey Nook, Lincoln, Lincolnshire LN1 2JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Billy Knowles against the decision of West Lindsey District Council.
  - The application Ref is WL/2025/00263.
  - The development proposed is the demolition of 7 existing residential chalets and static dwellings and construction of up to three replacement dwellings and associated garages.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal seeks planning permission in outline with details of access and layout with all other matters reserved. I have determined the appeal on this basis.

### Main Issues

3. The main issues are:
  - i. whether the proposal would be in a suitable location for housing having regard to the development strategy for the area; and,
  - ii. the effect of the proposal on flood risk having regard to the application of the sequential test.

### Reasons

#### Location

4. Policies S1 and S5 of the Central Lincolnshire Local Plan (2023) (the LP) are referred to in the Decision Notice. Policy S1 of the LP sets out the development strategy for the area, based on a settlement hierarchy. The aim is to make the most of existing services and facilities; deliver growth to where it is most needed; and provide associated opportunities to regenerate urban areas, provide new jobs and new homes in accessible locations, and focus infrastructure improvements where they will have the greatest effect.
5. The appeal site is not within a named town or village in Policy S1, nor is it immediately adjacent to the development footprint of one. For development plan purposes, the site is in the countryside.

6. Policy S5 of the LP refers to development in the countryside. Part B allows the replacement of an existing dwelling outside the “developed footprint of a settlement” subject to a number of criterion including where the residential use has not been abandoned, that the original dwelling is a permanent structured “not a temporary or mobile structure” and the replacement dwelling is of a similar size and scale to the original dwelling.
7. I saw at the site visit that the existing structures to be replaced are static caravans. I note that the static caravans were granted planning permission, subsequently amended, as a personal permission “with considerable weighting due to the lack of available sites for travellers within the district”<sup>1</sup>. This is a matter I shall return to later.
8. Therefore, within the provision of part B of LP Policy S5 temporary or mobile structures, a description that I consider includes static caravans, are specifically excluded and therefore part B does not apply in this instance, irrespective of whether or not the replacement dwelling is of a similar size and scale to the original dwelling, as referred to by the appellant.
9. Part D of LP Policy S5, as referred to by the council in the Decision Notice, only allows for new dwellings in the countryside where they are essential to the effective operation of existing rural operations listed in tier 8 of Policy S1. There is no evidence before me to suggest that the proposed dwelling would be essential to the effective operation of any of the specified operations.
10. Based on the provisions of policy S1 the appeal scheme is in the countryside and is not allowed by any of the exceptions detailed in policy S5. Therefore, I find that the appeal scheme is not in a suitable location for housing and is contrary to the provisions of policies S1 and S5 of the LP.

#### Flood risk

11. Policy 21 of the LP refers to the National Planning Policy Framework (the Framework) and the requirement that inappropriate development in areas at risk of flooding should be avoided, by directing it away from areas at highest risk. Accordingly, the Framework sets out a sequential test, whereby development is not permitted in high-risk areas, unless there are no other reasonably available sites appropriate for the proposal in an area with a lower risk of flooding.
12. It is not at dispute between the parties that the appeal scheme lies within Flood Zone 3, the site is at risk of flooding should the defences at the River Trent be breached. The submitted plans show that the proposed dwellings set out in a linear fashion within the middle of the site, using the existing access point from Sheffield Road (A57). In the local area, Flood Zone 3 is extensive, and it is not suggested that a different arrangement of dwellings on the appeal site would reduce Flood Risk and no part of the site is at a lower risk of flooding.
13. I note that the Environment Agency (EA) initially objected to the appeal scheme referring to inadequate raised finished floor levels, resistance and resilience measures and safe access and egress route. The appellant refers to an updated Flood Risk Assessment (FRA) that set finished floor levels at 6.88, marginally

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<sup>1</sup> Paragraph 5.2 Council's Written Statement

above the level required by the EA. Appellant refers to the objection from the EA as being withdrawn whereas the council refers to it as being overcome.

14. Nonetheless, the Planning Practice Guidance<sup>2</sup> makes clear that, even where development can be made safe throughout its lifetime, the sequential test still needs to be satisfied. The Framework<sup>3</sup> details specific instances where the sequential test does not apply but the replacement of an existing dwelling is not included. Therefore, it is necessary for the sequential test to be applied to the proposal.
15. However, while the need for a sequential test is referred to in the appellant's FRA, no such test has been undertaken. Consequently, it follows that the sequential test has not been met.
16. For these reasons I conclude that it has not been demonstrated that there are not any sequentially preferable sites available for the development. As such the appeal scheme is contrary to the provisions of Policy 21 of the LP, the Framework and the guidance set out in the Planning Practice Guidance.

### **Other Matters**

17. The appellant refers to the number of static caravans on the site exceeding seven for more than ten years and asserts<sup>4</sup> that this confirms the lawfulness of the use. However, no certificate of lawfulness is before me in this regard and the lawfulness or otherwise of the number of static caravans on the appeal site is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990.
18. Nonetheless, the appellant details that the lawful use of the site has been confirmed through planning permission<sup>5</sup> and asserts that this forms a fallback position.
19. However, the council details that the planning permission for the static caravans was granted as a personal permission due to the availability of accommodation for Travellers at that time. Therefore, while the site could be occupied by those named in the relevant condition, this is a significant restriction on the permission. On this basis I am not satisfied that the existing situation is equal or worse in planning terms to the appeal scheme. Therefore, the existing planning permission does not represent a valid fallback position for the appeal scheme that seeks consent for three unrestricted open market houses.
20. The appellant has referred to the precedent set by an earlier appeal decision<sup>6</sup>. However, I consider that the circumstances are materially different in this instance.
21. I saw at the site visit that there are a number of static caravans on the site that appeared to be in various states of disrepair. The appeal scheme, in redeveloping the site, would improve the appearance of the site and this is a material

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<sup>2</sup> Paragraph: 023 Reference ID: 7-023-20220825

<sup>3</sup> Paragraph 175 and 176, including footnote 62.

<sup>4</sup> Appellant's Planning Appeal Statement – paragraph 3. Grounds of Appeal A. Established Residential Use and Planning Betterment

<sup>5</sup> Planning Permission 121600 "Retrospective Planning Application for the change of use to residential caravan site for 2 gypsy families with two mobile homes and two towing caravans, hardstanding and 2 septic tanks". 18/11/2009 Also Planning Permission 130873.

<sup>6</sup> APP/H0738/W/19/3242788 dated 24 February 2020

consideration that weighs in favour of the appeal scheme but does not outweigh the harm I have identified previously.

**Conclusion**

22. For the reasons given above the appeal should be dismissed.

*Mr M Brooker*

INSPECTOR