



## **Planning Committee Supplement**

**Wyre Borough Council**  
**Please ask for: George Ratcliffe**  
**Assistant Democratic Services Officer**  
**Tel: 01253 887608**

**Planning Committee meeting on Wednesday, 10 January 2024 at 2.00 pm in the Council Chamber - Civic Centre, Poulton-le-Fylde**

**4. Appeals** (Pages 3 - 30)

The Schedule of Appeals lodged and decided between 15 November 2023 – 15 December 2023, is attached.

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## Appeal Decisions

Site visit made on 7 November 2023

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

an Inspector appointed by the Secretary of State for Levelling Up Housing and Communities

Decision date: 17 November 2023

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### Appeal Ref: APP/U2370/C/22/3298921

#### Land at Hornbys Lane, Hale Nook, Out Rawcliffe, Preston, Lancashire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr George Andrew Leece against an enforcement notice issued by Wyre Borough Council.
- The notice was issued on 19 April 2022.
- The breach of planning control as alleged is as follows:
  - (a) Material Change of Use of the land for the purposes of agriculture to a mixed use for purposes of agriculture, for the siting of a caravan for residential and/or storage purposes (located within the Building) and for the siting of two further caravans for storage purposes and,
  - (b) The erection of a building (the Building) in the approximate position shown edged and cross-hatched in blue on the attached plan (containing the aforementioned said caravan for residential and/or storage purposes.
- The requirements of the notice are as follows:
  - (a) Cease the use of the building for containment of the caravan for residential and/or storage purposes.
  - (b) Cease the use of the Land for the siting of caravans for storage purposes.
  - (c) Cease the use of the Land for the siting of a caravan for residential and/or storage purposes.
  - (d) Remove all caravans from the land.
  - (e) Demolish the Building in its entirety and
  - (f) Remove from the land all materials, rubble and debris that arise from steps required at (e) above.
- The Compliance period is 6 Months.
- The Appeal is proceeding on grounds (a), (b), (c), (f) and (g) as set out in Section 174(2) of the Town and Country Planning Act 1990.

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### Decision

1. The Appeal is dismissed.

### Preliminary matter

2. In September 2023, the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. As a result, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

### Background information

#### *The Appeal site and the surrounding area*

3. The appeal site is located on the south-east side of Hornbys Lane, Hale Nook, Out Rawcliffe, Preston, Lancashire. It lies within the open countryside and is in a remote location detached from the nearest settlement. The land is accessed via

unlit rural roads, subject to national speed limits, with no pedestrian footpaths and is in an inaccessible location.

4. The flat, rectangular parcel of appeal land is approximately 0.5 ha in area and access is via a gate leading onto an uneven surfaced area. Palings have been introduced on site to extend the site entrance and to create an access allowing motor vehicles onto the site. The L-shaped metal appeal structure is in the southern part of the site. It has an access door and window. One of the caravans referred to in the notice is located within this structure. There are two other caravans on other parts of the site. To the north of the site there is a smallholding which is subject to another enforcement notice and to the west there are open fields. To the south of the site there is another smallholding and storage area in agricultural use.

5. The surrounding area mainly comprises rural open countryside with a few sporadic dwellings and the site is defined as being in a 'Countryside Area' on the adopted Wyre Borough Local Plan (2011-2031) Proposals Map (WBLP). The land is classed as Grade 2 (very good quality) agricultural land.

6. The Council had received a complaint in May 2021 which led to them concluding that an unauthorised change of use and operational development had occurred on the land. This amounted to *'Without planning permission the material change in use of the Land from use for the purposes of agriculture to a mixed use for the purposes of agriculture, for the siting of a caravan for residential and/or storage purposes (located within the building as hereinafter described), and for the siting of two further caravans for storage purposes: and without planning permission the erection on the Land of a building'*.

7. The Council indicates that details were left on site for the appellant/owner to make contact. No contact was made and so on 3 February 2022 a Planning Contravention Notice (PCN) was served. In reply the appellant indicated that he was using the land for *'storage of trailer and equipment from land he sold at Lancaster Road'*.

8. It was further stated that *'There is planning permission for this land and the cattle building (plot next door) hard standing, this is why I bought this land it's already passed planning'*. With regard to the caravan in the building it was stated that it *'has no lock on the door, all the windows are damaged it has no toilet, no running water and is used for storage and making coffee, it has been stayed in for about 3 weekends while work was done in Summer'*. It was also stated that *'caravan 2 never been lived in stayed in or used just needs removing as not used'*. The PCN was signed and dated 16/02/2022.

9. The Council indicates that in Google Earth images of July 2017, June 2018 and April 2020, there were no buildings shown as being located on the rectangular-shaped appeal site. It is also indicated that the initial visit to the site revealed the L-shaped metal-framed appeal building which had been built around the touring type caravan which had bedding and clothes inside and *'appeared lived in'*. The other two caravans on site were also noted as was the hardstanding at the entrance to the site.

#### *Relevant Policy*

10. The Development Plan for the area consists of the Wyre Local Plan (2011–2031) adopted 28 February 2019 (WLP). The most relevant policies are SP2 (Sustainable Development); SP4 (Countryside Areas); CDMP3 (Design) and CDMP6 (Accessibility and Transport). The National Planning Policy Framework (NPPF) is a

major material consideration. The relevant sections/chapters are 2 (Achieving sustainable development); 9 (promoting sustainable transport); 5 (Delivering a sufficient supply of homes), 12 (Achieving well designed places) and 15 (Conserving and enhancing the natural environment). Relevant parts of Planning Practice Guidance (PPG) are also relevant material considerations.

### **The appeal on ground (b)**

11. To be successful on this ground the onus is upon the appellant to show categorically that what is alleged in the enforcement notice has not occurred as a matter of fact. As indicated by the LPA the only recognised lawful use of the land is for agricultural use. From my site visit it is clear that 2 caravans have been sited on the land and that a building has been erected inside of which another caravan has been stored. Irrespective of whether these are lawful or unlawful changes of use to the land (and this is dealt with in the ground (c) appeal below), what is alleged in the notice has occurred as a matter of fact. The appeal fails, therefore, on ground (b)

### **The appeal on ground (c)**

12. To be successful on this ground it must be shown either that planning permission is in place for the siting of the caravans; the erection of the building and the storage uses or that these all constitute permitted development. The LPA has confirmed that there are no permissions in place for the uses/development being carried out on the land and as alleged in the notice. Neither does any use/development constitute permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Again, therefore, it follows that the appeal cannot succeed on ground (c). The permission referred to by the appellant does not refer to any of the alleged unauthorised development as referred to in the enforcement notice.

### **The appeal on ground (a)**

#### *The Main Issue*

13. The main issue is the effect that the unauthorised mixed use and operational development has had on the character and appearance of this part of the open countryside, having regard to the relevant policies of the development plan.

#### *Reasons*

14. Policy SP1 of the WLP aims to ensure that any new development is directed to be within settlements and to provides necessary protection in the designated Countryside Areas outside of the settlement boundaries. Policy SP4 seeks to protect the open and rural character of the countryside and states that development which adversely impacts on that open and rural character will not be permitted, unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh that harm.

15. The policy does allow new development in Countryside Areas which meet the requirements of the CDMP Policies within a specific list of exceptions, including agriculture, forestry, mineral extraction, equine related activities and the diversification of agricultural businesses in line with Policy EP8 (Rural Economy) and EP10 (Equestrian development). The uses being carried out on the land are not included in these exceptions. Furthermore the appellant has not presented any evidence to demonstrate that the site is being used for any specific agricultural use or any of the other excepted uses. Nor has it been argued that the existing uses are a diversification of an existing business.

16. Having seen the building as erected from both near and distant viewpoints, and having noted the isolated location separate from other built development, I share the LPAs concerns about its visual impact on the open and rural character of this part of the open countryside. The building itself is visible from Hales Rushes Road and Hornbys Lane, both of which are public rights of way. I consider that the building, together with the siting of the other caravans have resulted in an obtrusive and unacceptable incursion of development into the open characteristics of the countryside. As indicated by the LPA there are no public benefits that would result from the unauthorised development as carried out by the appellant. Having regard to this negative impact I find that the building and the storage of caravans on the land are contrary to Policy SP4.

17. I also agree with the Council that the 'L-shaped building with its window, and doorway does not have the appearance of an agricultural building. In my view it is seen as a small out-of-place residential building and as indicated by the Council there is no evidence of any on-going agricultural activity on the appellant's land.

18. In conclusion I do not consider that planning permission should be granted for the unauthorised works as alleged in the enforcement notice. Nor do I consider that any planning conditions could overcome the harm caused to the character and appearance of this part of the open countryside. It follows that the appeal must also fail, therefore, on ground (a).

#### **The appeal on ground (f)**

19. To be successful on this ground of appeal it must be shown that lesser steps than those set out in the enforcement notice would overcome the harm caused.

20. The appellant has not suggested any lesser steps but instead has set out the following:

*'The caravan is used only for storage of tool and personal items for security, this is a movable structure on wheels and not a permanent building, this does not set a precedent (Sic) as 15 paces from my gates there is a brick built barn under the barn is a caravan with storage also on the same plot is a static caravan that has been used before his passing, Also that other caravans in the area namely Lancaster road and shard bridge lane were both told to erect a building over your caravan or hide the caravan behind your buildings, I've followed these instructions given by wyre planning'.*

21. Whilst noting the above explanation it cannot be an argument in support of a ground (f) appeal and is simply a repeat of the reasons why the appellant considers it appropriate to retain the unauthorised development. Or, it is an attempt to claim that planning permission is not required. For the reasons set out above I have concluded that, even though the caravan might be moveable and that there are other caravans in the locality, planning permission for retention of the building and caravans on the site ought not to be granted. The appeal also fails therefore on ground (f).

#### **The appeal on ground (g)**

22. In support of this ground of appeal the Appellant indicates that he makes regular trips to the Philippines for over a month at a time; that he is 'not at this land' and lives approximately 20 miles away.

23. Whilst acknowledging these facts there is no suggestion by the Appellant of what period might be required for him to comply with the requirements. In any case and irrespective of the appellant's situation, the unauthorised development has

already been in place for a considerable time and I consider that 6 months from the date of this decision is more than an compliance adequate period. The appeal also fails, therefore, on ground (g).

### **Other Matters**

24. In reaching my conclusions on all of the grounds of appeal I have taken into account all of the submissions by the parties. These include the full planning history; details set out in the PCN and all of the detailed statements. However, none carries sufficient weight to alter my conclusions on the main issue for ground (a) or any of my findings on the other grounds pleaded. Nor is any other factor of such significance to change my decision that the appeal should fail.

### **Formal Decision**

25. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

*Anthony J Wharton*

Inspector

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## Appeal Decision

Site visit made on 7 November 2023

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

**an Inspector appointed by the Secretary of State for Levelling Up Housing and Communities**

**Decision date: 29 November 2023**

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**Appeal Ref: APP/U2370/C/22/3301259**

**Bowes Hill Farm, Neds Lane, Stalmine, Poulton-Le-Fylde FY6 0LW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr George Sanderson against an enforcement notice issued by Wyre Borough Council.
- The notice was issued on 5 May 2022.
- The breach of planning control as alleged is as follows:
  - (a) The erection of a Glamping Pod ('the Glamping Pod') in the approximate location shaded brown on the attached plan.
  - (b) The erection of a Wooden Lodge with decking ('the Wooden Lodge') in the approximate location shown shaded blue on the attached plan.
  - (c) The material change of use of the land from mixed use as woodland and pasture land to a mixed use comprising the siting of tents for camping purposes in the area of woodland shown hatched green on the attached plan the use of the Glamping Pod for holiday accommodation (glamping); the use of the Wooden Lodge for holiday accommodation and the use of the remainder of the land for camping in tents, and/or in campervans and for ancillary and incidental purposes associated with the aforementioned mixed use.
  - (d) The erection of an amenity block ('the Amenity Block') in the approximate location shown shaded yellow on the attached plan, to facilitate the material change of use.
- The requirements of the notice are as follows:
  - (a) Cease the use of the 'Glamping Pod' for holiday accommodation (glamping).
  - (b) Remove the Glamping Pod from the land in its entirety together with all materials debris and waste arising from its removal.
  - (c) Cease the use of the Wooden Lodge for holiday accommodation.
  - (d) Remove the Wooden Lodge from the land in its entirety together with all materials debris and waste arising from its removal.
  - (e) Cease the use of the land for tented camping.
  - (f) Cease the use of the land for camping in campervans.
  - (g) Remove all tents from the land.
  - (h) Remove the Amenity Block from the land its entirety together with all materials debris and waste arising from its removal.
  - (i) Remove from the land all paraphernalia associated with the uses in (a), (c), (e) and (f) above, including (but not by way of limitation) all hot tubs, fire pits and waste receptacles (and including all paraphernalia associate with said uses individually).
  - (j) Cease the use of the land for any purpose and all purposes ancillary and incidental for uses described in (a), (c), (e) and (f) above including any and all purposes ancillary and incidental to each of the said individual uses and,
  - (k) Restore the land to the condition it was in prior to any of the unauthorised uses took place.

- The Compliance period is 6 months.
- The Appeal is proceeding on ground (a) only as set out in section 174(2) of the Town and Country Planning Act 1990.

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## Decision

1. The Appeal is dismissed. See Formal Decision below.

## Background information

### *The site and the surrounding area*

2. Bowes Hill Farm is located in the open countryside to the south-east of the rural settlement of Stalmine which lies approximately 1km to the north-west. The smaller settlement of Sower Carr lies to the south-west with the town of Hambleton a short distance further away to the south. The farm and the appeal site are defined as being within the '*Countryside Area*' on the Proposals Map of the Wyre Borough Local Plan 2011-2031 (WLP31). The land is classed as Grade 3 (good to moderate quality) agricultural land.

3. The appeal site lies to the north of the Bowes Hill farmhouse and other buildings. It is approximately 2.35ha in area and is located approximately 80m to south-east of Neds Lane with access by a private road off the Lane. The site is relatively flat, roughly triangular, and heavily treed (part protected woodland). The protected woodland area to north contains 21 Bell tents with an amenity block positioned to the south. The glamping pod and the wooden lodge are located in the south-west part of the site.

4. The surrounding area is mainly agricultural land but within the immediate vicinity of the site, and opposite the private road, there is a mobile home residential caravan park (Stalmine Country Park). This is referred to by the Appellant as a '*Holiday Park*' > However, but this is not the case as the static caravans are permanent residences. There are other residential properties to the west and along the length of Ned's Lane, between the private road and Carr Lane (the A588). Longacres Farm lies immediately to the north-west of the site and Trees Farm is to the west.

5. The nearest dwelling, Malroy House, is approximately 50m to 60m away, to the north-east. A Public Right of Way (PRW) runs along the north-west boundary of the site along the private road. There are also two dwellings close to Bowes Hill Farm at 'May Cottage' and 'Bowes Hill Cottage'.

### *Planning History and former use of the site*

6. The land had been used for camping under permitted development rights but, in September 2021, a retrospective application for planning permission was submitted for a change the use of the land (COU). The COU was from woodland and pasture to a mixed use comprising the siting of Bell tents for camping, the use of a glamping pod and a lodge for holiday accommodation, with the use of a proportion of the remainder of the site for basic tents (owned by the visitors) for overnight stays. The development described had already been carried out and also included a shower block and associated wastewater tank (amenity block). Following discussions with the LPA, which had requested further information, the application was withdrawn and on 5 May 2022 the enforcement notice was issued.

7. The appellant has confirmed that until 2004 the land had been used for agricultural purposes, mainly for cropping and silage purposes. The previous owner had planted 2.8 ha of the land with a variety of broadleaf and conifer trees under a Forestry Commission Woodland Grant Scheme (WGS). The aim of this was to break up the grassland areas and utilise some wetter land on this site. Most of the appeal site was planted with trees and a glade and path were included in the scheme partly to accommodate overhead electricity lines.

8. In January 2011 planning permission was granted (10/00901/FUL) for an extension to an existing equine building to provide additional storage, 4 stables for livery use and a replacement caravan for wet room/canteen facilities. In January 2020 Prior Approval (19/00958/COUQ) was approved a change of use of an existing agricultural building to form a residential dwelling.

#### *Site Visit/Inspection*

9. During my site visit I was shown around the whole of the land which is the subject of the notice. I also saw the nearby residential caravan park and was able to note the proximity of the site to some of the nearest properties belonging to some of the many occupants who had written in objection to the proposals. I inspected the location of the Appellant's farmhouse and walked some of the footpaths adjacent to, and close to, the site. I visited the nearby Haulage Depot and the small Industrial Estate close to Malroy House. The northern woodland area of the site is visible from house and the Estate.

10. There is signage to Bowses Hill Camping/Glamping at the junction of Ned's Lane and the private road which leads up to the Appellants farmhouse. There is further signage at the entrance to the appeal site from the private road. The access leads into the first of the gravel-based parking areas.

11. The Glamping Pod and the Timber Lodge are located to the south-west of this parking area and the Lodge (3.5m x 12m x 3.5m) is relatively close to the boundary with the private road. On its south side there is a raised timber decking area, with tabling and chairs and a timber hot tub. Another hard-surfaced, hoggin-type track leads to another parking area closer to the lane.

12. The Glamping Pod is set within a fenced enclosure on a base of wood chip and mulch base and there is an adjacent hot tub. To the east of the Lodge and the Glamping Pod are the two open 'Wild Camping' fields (Nos 1 and 2), which are bounded by part of the Appellant's fenced-in garden area close to the house.

13. To the north of field 2 there is a wide track of timber wood chips and the timber Amenity Block (3m x 9.1m x 3.5m) is located approximately mid-way along this track, which is described as a '*Nature Walk/Bike*' route. There is a Refuse and Re-Cycling area at the western end of the track. Prior to the timber Amenity block being constructed there was a temporary mobile structure on site to provide the necessary facilities.

14. To the north of the track, and accessed from its western end, lies the protected and rather densely-packed woodland site. The whole area of this woodland is set out to provide a glamping/camping area, comprising a total of 21 Bell tents with fire-pits. A narrow, circular wood chip path links the 21 tents with the pathway returning to the point of access.

15. Another narrow, '*Nature Walk/Bike*' wood chip track encircles the area on its north-west, north, and north-east boundaries. Just beyond the north boundary

there is a large, detached house (Malroy House) and to the east of this there is a Haulage Depot. To the north-east of the site there is open farmland and a small Industrial Estate. The northern treed boundary of the site can be seen from the house and the Industrial Estate boundaries.

### **Relevant Policy**

16. The most relevant development plan policies are within the Wyre Borough Local Plan 2011-2031 (WLP31) and are as follows: SP2 (Sustainable Development); CDMP2 (Flood Risk and Surface Water Management); CDMP3 (Design); CDMP6 (Accessibility and Transport) and EP9 (Holiday Accommodation). The revised National Planning Policy Framework (NPPF) is a major material consideration and policies within the following sections are the most relevant: 2 (Achieving sustainable development); 6 (Building a strong, competitive economy); 9 (Promoting sustainable transport); 12 (Achieving well-designed places); 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment). In September 2023, a revised NPPF was issued but the parts most relevant to this appeal have not been amended. The national Planning Practice Guidance (PPG) is also relevant.

### **The Appeal on ground (a)**

#### *The Gist of the Case for the Appellant*

17. Planning permission should be granted for the development as carried out on site. Until 2004 the site was agricultural land used for cropping (mostly silage production). The previous owner of the land had planted 2.8 ha with a variety of broadleaf and conifer trees under a Forestry Commission Woodland Grant Scheme (WGS). Almost the entirety the Appeal site was planted with trees.

18. Following the purchase of the site in 2020, the Appellant decided to provide '*a less costly, more environmentally friendly form of holiday by using his land for camping*'. It is confirmed that the Appellant has six children and enjoys seeing children, particularly from urban areas, visit the countryside. The camping and glamping development was then carried out.

19. The retrospective planning application was submitted in September 2021 but subsequently withdrawn. It is stated that the intention was to re-submit the application and to provide all of the information required by the LPA. However, the enforcement notice was issued.

20. It is stated that when Covid brought with it the difficulties of holidaying abroad, the popularity of the camp site increased. The objective of a sustainable outdoor experience was continuing to grow and was bolstered by the fact the then 28-day period was extended to 56 days.

21. It is indicated that advertising the site through '*Pitchup*' worked very well and that it soon became apparent that bins, a toilet and parking were necessary. A portable shower block was brought in and located between the two wooded areas. A tank was installed for waste water and local firms are contracted to empty this monthly, and the bins (waste and recycling) weekly.

22. It is stressed that '*due to the now marginal climatic differences in the seasons, it is possible to utilise camping sites practically all year round*'. It is further indicated that the wider geographic area has virtually no provision for the type of experience available at the Appeal site. The caravan park and sites

for tourers, other Holiday Parks and barn conversions, are all a short distance from this site. However, none provides the facilities provided at Bowses Farm.

23. Reference is made to the *many 'neighbours, who had been particularly vociferous'* and objected to the LPA. It is stated that the nearest neighbours live at least 60m away and up to 150m away for most. It is contended that none has been visually impacted and there have been no other amenity issues.

24. It is indicated that the Stalmine Park residents are *'well-organised, aggressive objectors'*. It is stated that they defaced signage and damaged speed survey equipment. They have written to the Authority, the local MP and others.

25. The Appellant's business is considered to bring significant investment to the local economy. The location of the site is very popular and social media, e-mail campaigns and listings on AirBNB have all resulted in a wide audience and an increasing popularity of the site. The location is reasonably close to large conurbations (Manchester and Liverpool) and gives easy access to various other tourist sites in the wider Lancashire area.

26. The site began as space for camping in a rural setting using Permitted Development Rights. It has since grown to become a very popular, pleasant, well-operated site that people enjoy visiting. It is quiet and attractive and there are no camper vans, caravans or *'electrical hook-ups or WIFI'* on site. It is confirmed that there have only been good reviews and recommendations for this carefully monitored site and that all reports on social media are positive.

27. When the Permitted Development period of 56 days reverted back to 28 days it became a significant issue for the Appellant. The DLUHC Chief Planning Officer, at the time the number of days changed, recommended LPA's to *'take a positive approach in dealing with tourism services in local areas'*. In this case this has not been given consideration by the Borough Council.

28. It is indicated that since the application was withdrawn the applicant has worked hard to ensure comments raised by the LPA were addressed through the further additional independent reports set out below.

*Ecology (by Ecology Services, Environmental Consultants) (Updated Report)*

29. A number of mitigation measures were stated in the initial Ecology Report which have either been complied with already or are in the process of being installed. Some enhancements have been achieved through the mitigation measures. A wildflower mix was planted along margins and road edges leading to the site. Other measures, including the gapping up of hedges; the provision of invertebrate houses; and the provision of a wildlife pond.

*Odour Assessment (by Redmore Environmental)*

30. An Odour Assessment and Field Survey were undertaken to investigate conditions, assess the risk of potential impacts, and identify any requirement for mitigation. The findings indicated that odours associated with wood burning activities were only detectable in close proximity to the sources and that trees/vegetation along the boundary of the site, and throughout the camping areas, are likely to contribute to effective dilution and dispersion of emissions.

31. The risk of potential odour effects, at sensitive locations associated with the continued use of the camping and glamping site were also assessed using the Institute of Air Quality Management (IAQM) methodology.

32. The results of the assessment indicated that the predicted odour effect significance was *negligible* at 10 receptors and *slight* at one position. The IAQM guidance states that only if the impact is greater than '*slight*', the effect is considered significant. The impacts are considered '*not significant*'. However, site management measures have also been specified in order to provide effective control of odour emissions and associated impacts at sensitive locations.

33. The IAQM guidance has been specifically designed to facilitate assessment of potential odour effects on amenity. The Odour Assessment was undertaken in accordance with the methodology outlined with the guidance. As such, based on the results, it is considered that the requirements of the NPPF and Policies CDMP1 and CDMP3 of the Wyre Local Plan have been satisfied.

*Noise Impact Assessment (by Professional Consult)*

34. The assessment shows that, with noise from people using the site including the pedestrian footways, the change in ambient noise at all identified residential dwellings falls below the criteria noise level. With regard to car parking, noise from operation of both car parks simultaneously, the assessment has shown that the rated level of noise falls below the criteria noise level. Accordingly, there is no requirement to consider noise mitigation measures.

35. Noise management is regulated by a number of Site Rules conveyed to customers. These rules are enforced to ensure that disruption to neighbouring amenity is minimised at all times. In summary, the predicted level of noise from the development is sufficiently low enough at the identified residential dwellings to accord with the '*No Observed Adverse Effect Level*' as detailed in the PPG. Noise should not be deemed to be a determining factor in the granting of planning permission for the development carried out at this site.

*Flood Risk Assessment (by Redford Consulting Engineers Limited)*

36. The southern part of the site is identified as lying within Flood Zone 1 on the Environment Agency's flood mapping and the northern part is identified as lying within Flood Zone 2. The flood risk is tidal from the River Wyre.

37. To mitigate the above, the Bell tents are appropriately anchored to the ground to prevent them becoming a hazard should flooding occur. To reduce the risk to occupants, at times of extreme rainfall events, the northern part of the site being used for the siting of the Bell tents is to be vacated and cordoned off.

38. In addition, the site is in an area benefitting from the Environment Agency's (EA) flood warning service. A '*Flood Warning and Evacuation Plan*' will be produced and placed in each of the Bell tents and will also be provided to the visitors using the 'wild camping' area. The tidal flood risk to the development is defined on the Long-Term Flood Risk mapping as low.

39. The risk of flooding from canals, reservoirs and other artificial sources is low. The flood risk from groundwater is low. The risk from sewer flooding is low and from pluvial runoff is very low.

40. The proposed development will not increase the area of impermeable hardstanding on the site and will therefore not have the potential to significantly

alter the surface water run-off regime of the site, nor to have an adverse effect on flood risk elsewhere in the wider catchment.

41. There is no material effect on the flood zones due to the proposed development and no anticipated detrimental effects to upstream or downstream properties. No positive drainage will be incorporated as there will be no formal run-off from the development. Surface water run-off from the development will discharge onto the ground and into the local drainage network.

42. Foul water from the site is collected by a sealed system and discharged into a cesspool, which is to be emptied on a regular basis by contractors.

*Transport Assessment (by Turner Lowe Associates)*

43. The effects of the development can be seen and do not need to be estimated. Neds Lane and the access road that serves the campsite carry significant traffic flows at the present time, even when there is no activity on the campsite. Unlike a permanent residential development, the campsite only generates traffic at holiday times. At non-holiday times the campsite only receives up to around 6 groups per night, which tend to arrive over a 3-hour period, generating negligible traffic. The groups then leave the following day over another 3-to-4-hour period.

44. The site is accessed via sections of single-track roads. These are not unsuitable for new development. There is adequate intervisibility of passing places, and the passing places can accommodate the number of vehicles that may need to use them. Such roads do not prevent development taking place if this can be done safely, as in this case.

45. There are many similar camping and caravan accommodation sites in the area that would be considered to have far poorer access arrangements. The bridge to the west of the site that can only accommodate single file traffic provides a further natural traffic calming effect and, with the passing places either side, operates without difficulties even during busy holiday periods.

46. The visibility at the A588/Neds Lane junction is adequate at the present time, but could be improved if it was thought necessary by the Highway Authority (HA). Owners could be advised to cut back vegetation which is overhanging the highway or the HA could do this work themselves.

47. There are all of the necessary services within walking distance of the site, using roads that can either carry two-way traffic, or single file traffic, and pedestrians. The width of the roads provide natural traffic calming and the level of pedestrian activity, even during busy holiday periods, shows that pedestrians, cyclists, and vehicles can, and do, use the highways in this area with no complaints or safety issues.

48. The accessibility of the area was considered by the Inspector who approved the appeal for the Bowses Hill Stud against the refusal of an application for 3 caravans in 2014 and concluded: *'it has also been concluded that the development would be sustainable. In accordance with the presumption in favour of sustainable development, planning permission should therefore be granted ...'*

49. There has not been a single recorded accident on Neds Lane and Back Lane in the 23 years that details have been available. This is when Neds Lane has been carrying around 320 two-way vehicle movements a day which, with the

campsite (in use for the last two years of the records) results in an increase of just 70 vehicles per day in the combined directions.

50. The campsite is in an accessible location and is, therefore, a sustainable development. There are no safety issues resulting from the development, and none have been recorded for the two years that it has been operational.

#### *Fire Risk Assessment (Mark Safety)*

51. A full Fire Risk Assessment was undertaken in July 2021. The assessor gave oral opinion on the site and the associated risks, then provided the assessment in writing, along with a number of site-specific suggestions, all of which have been installed/undertaken by the appellant.

#### *Conclusion*

52. It is accepted that a change of use is required for the area of woodland and pastureland that accommodates the use of Bell tents, wild camping, a single Lodge and Glamping Pod with associated infrastructure (decking and hot tub), car parking, a shower /toilet block and associated water holding tank.

53. The imposition of a blanket Tree Preservation Order absolutely ensures that there will be no change to the woodland and in practice, this impedes the Appellant's ability to manage the woodland under the current Woodland Management Plan.

54. This is a good small business, providing a range of outdoor experiences in peace and quiet, away from technology; bringing income to the rural economy, and it does not impact on anyone in the locality.

55. The appeal should be allowed; the enforcement notice should be quashed and the deemed application for the development should be granted permission.

#### ***The Gist of the Case for the Council***

##### *The principle of the development*

56. Policy EP9 (Holiday Accommodation) supports the expansion and/or creation of new holiday accommodation, provided that the proposed development is of an appropriate scale, does not negatively impact on the landscape (criterion a). It also requires that new buildings and supporting infrastructure are necessary (criterion b), and that where new build accommodation is proposed a sound business plan is provided.

57. In accordance with the guidance for Policy EP9, the Council indicates that there is a requirement for a business plan as required by criterion (c). However, no business plan was initially submitted and the LPA states that it was, therefore, unable to determine if the proposed built accommodation is viable. It is considered therefore that the proposal failed on this ground.

##### *Accessibility*

58. The LPA indicates that Wyre should be sustainable and contribute to the continuation or creation of suitable communities in terms of its location and accessibility. It is stressed that alongside Policy SP2, Policy CDMP6 of the WLP31 requires development to include measures to encourage access on foot, by bicycle and public transport and reduce car reliance. Reference is also made to the requirements of the NPPF and that sustainable development means that



development should be in the '*right place*'; accessible to local services; should protect the natural environment and should foster a low carbon economy.

59. It is further stressed that the appeal site is located outside the nearest settlement of Stalmine and is accessed by well-used country roads (Neds Lane and Back Lane) which are unlit, with no footpaths and subject to the national speed limits (60mph). It is indicated that services and facilities that guests would be expected to use are approximately a 15-minute walk away and that the walking route is '*undesirable*'.

60. It is indicated that sites that have on-site facilities are generally more sustainable, and that this helps to reduce car reliance. In this case in order to access convenience, catering and recreational facilities, visitors would have to rely on vehicles and that the situation would be exacerbated further by the large number of guests that could potentially stay on the site at any one time. As such the proposal is considered not to accord with Policy SP2 of the WLP31.

#### *Neighbour Amenity*

61. The LPA refers to the many concerns set out in the representations of those living near to, and enroute to, the site. It is considered that development of this magnitude has been detrimental to their living conditions. There is a concern that where visitors can pitch their own tents, they could do so anywhere within the site. It is considered that the nearest neighbours to the south would be unduly impacted and it is considered that the continued use of the land for a camp site could lead to a further detrimental impact for these neighbours.

62. Due to the number of tents/pitches, when taking into account the general noise associated with camp sites, it is considered that an unacceptable increase in disturbance will continue to occur. The general noise and disturbance generated by the overall use of the site will lead to a level of impact that is unacceptable due to the number of comings and goings from the site. These would be exacerbated further during the peak holiday season when a significant number of guests would be staying on the site. Overall, therefore, it is considered that the proposal fail to accord with Policy CDMP3 of the WLP31.

#### *Flood Risk and Drainage:*

63. The site is located wholly within Flood Zone 2 and that, as such, there is a requirement for the submission of a site-specific flood risk assessment. In addition, as it is for a change of use of land to a camping site, a sequential test is also required. No information was submitted initially to the LPA that allowed it to consider if there were other sites suitable for the development that were at a lower risk of flooding. As such it is contended that the proposal failed to comply with Policy CDMP2 and the NPPF.

64. With regards to Flood Risk both the Environment Agency and the LPAs drainage engineer raised objection to the eventually submitted Flood Risk Assessment FRA. It failed to include a quantitative assessment of the likely flood depths on site during a range of flood events and how the proposed development may be impacted, while taking the impacts of climate change into account. Thus, the impacts of flood and residual flood hazards are unknown.

65. It is further stressed that the quantitative assessment should be used to inform flood risk mitigation and management for the site and be reflected in a Flood Warning and Evacuation Plan (FWEP). The PPG states that '*more*

*vulnerable' sites used for holiday or short-let caravans and camping are subject to a specific warning and evacuation plan'*. In this case this had not been submitted with the withdrawn application. It is therefore contended that the development fails to comply with Policy CDMP2 and the NPPF.

66. In addition the Lead Local Flood Authority (LLFA) raised objections on matters of surface water flooding, as the proposed scale of development may present risks of flooding on-site and/or off-site. The lack of initial adequate information in relation to surface water drainage meant that the LLFA could not assess whether the development proposal meets the requirements of the NPPF or the PPG.

67. In the absence of all necessary information regarding surface water management, the flood risks resulting from the development are unknown and this is, therefore, sufficient reason in itself for a refusal of planning permission.

68. No details were provided for foul drainage regarding capacity and construction details of the underground tanks. The LPA was unable to determine if there is a suitable form of foul water disposal. This is considered a material consideration for the application that cannot, in this case, be resolved by implementing a condition. The absence of all necessary details means that the proposal is unacceptable and does not comply with Policy CDMP2.

#### *Ecology*

69. A preliminary ecological survey was submitted with the withdrawn application. However, the LPA's ecological consultants raised concerns over its timing and content. The survey was undertaken in October, which is contrary to what the report states in paragraph 3.14. This is not the optimal time to undertake surveys, especially where the majority of the site is woodland.

70. In addition the appraisal stated that at the time of writing *'no landscape scheme has been prepared and only basic biodiversity enhancements are provided. This report shall be updated to ensure that mitigation and enhancement measures are incorporated once the scheme is finalised'*. Since no landscaping scheme was submitted, the mitigation measures cannot have been incorporated into the scheme and, therefore, the scheme has not been finalised. Due to this lack of information the proposal fails to comply with Policy CDMP4 and the NPPF.

#### *Highways*

71. The Highway Authority (Lancashire County Council) raised objections. This concern stemmed from the likely traffic generation during peak periods. Whilst there is no specific data on existing traffic levels for Neds Lane, there are around 40 dwellings accessed off the single track lane and there may be some through traffic which leads to an estimation of around 250 vehicle movements per day. It is contended that traffic associated with the development would at times be a significant increase in traffic levels on Neds Lane. Nonetheless it would still remain relatively lightly trafficked and as such highway safety rather than highway capacity is the primary concern. This concern focuses primarily on vehicle/vehicle conflict, along with pedestrian/vehicle conflict on roads which are limited in width.

72. It is indicated that guests walking/driving to and from the site would have to share use of these narrow roads along with existing residents leading to

increased conflict throughout the day and exacerbated during peak season. Although it is acknowledged that mitigation could be provided by way of more passing places no such scheme was submitted with the application.

73. Due to the nature of the concerns the LPA considers that a scheme was required prior to determination of the application. Another material consideration was the outcome of an appeal in 2008 (ref: APP/U2370/A/09/2101065) for an additional 8 park homes on an existing site on Neds Lane. The appeal was dismissed as it concluded that the proposal would *'have an unacceptable effect on the safety and free flow of traffic on the surrounding highway network'*.

74. Since the time of that appeal the only material change in highway conditions is that the speed limit on the A588 has been reduced to 50mph and part of Back Lane has been reduced to 30mph. The proposal would result in a significant greater level of vehicular movements than the 2008 development and the changes in speed limits would not sufficiently mitigate the highway safety concerns. As such the proposal fails to comply with policy CDMP6 and the NPPF.

75. In conclusion, therefore, the LPA considers that the appeal should be dismissed and the enforcement notice upheld.

*The Gist of the Cases for Interested persons.*

76. The Parish Council, the Caravan Park Residents and other nearby residents object to the development mainly on the following grounds:

- Traffic issues - highway safety, visitor numbers, inadequate road network.
- Noise issues – noise from the site including late-night music, traffic noise.
- Odours – mainly smoke from firepits.
- Insufficient parking at peak times.
- Inappropriate size of development.
- Lack of a travel plan.
- Proximity of shops and services.
- Need to use vehicles, therefore unsustainable location.
- References to previous Inspector's concerns re access/traffic.
- Excessive numbers unable to be accommodated on site.
- Disturbance re comings and goings to site.

77. Some nearby residents, as well as many visitors, support the Appellant's proposals and the main points made are as follows:

- Good facilities for family vacations.
- Well-Managed enterprise.
- Choice of camping/glamping.
- Animals and nature experiences for children.
- Close to other holiday facilities in Wyre, Fylde and Blackpool.
- No noise/disturbance issues.
- Sustainable holiday experience.
- Quiet countryside location.
- No technology such as WiFi.
- Easily accessible.
- Sound business plan.

78. In reaching my conclusions I have taken into account all of the written submissions made by, and on behalf of, the Appellant; by the Council and other

consultees and by interested persons, both in opposition and in support of the development as carried out.

## **My Assessment**

### *The Main Issues*

79. From all of the submissions and from my inspection of the appeal site and the surrounding area, I consider the main issues relate to:

- the principle of the development with regard to size,
- whether the site is accessible and sustainable,
- the effect on the living conditions of people living near to the site,
- flood risk and drainage and,
- the effect on highway safety.

### *The principle of development*

80. Policy EP9 of the WLP31 sets out the requirements for accommodation for holiday uses to be acceptable. At the same time, it seeks to prevent harm to other interests of acknowledged importance. The introduction to the policy indicates that WLP31 should be read as a whole, and that policies should, therefore, not be read in isolation. Clearly, different policies in the WLP31 are interrelated, and decisions about a particular development will require the consideration of a number of policies.

81. Policy EP9 firstly sets out the need for development to meet the requirements of the CDMP Policies and, secondly, sets out specific criteria that must also be satisfied. These cover appropriateness of scale, size and appearance; the necessity of supporting infrastructure; the need for a business plan and the need for a viability assessment.

82. The LPA refers to the fact that a Business Plan was not submitted and it was on this basis that they considered that the principle of development was not acceptable. The Appellant has now provided a business plan which indicates that financially the continuation of the use of the site on this scale would be viable. However, that would be on the basis that no harm was being caused with regard s to other development plan policies.

83. Policy SP4 forms the underlying basis for assessing all development, including holiday accommodation, in the countryside. 'The Policy *'aims to protect the countryside and manage development in a way that supports rural communities and the rural economy whilst maintaining its essential attributes'*. It seeks to recognise the intrinsic character and beauty of the countryside and seeks to resist development which would have an adverse impact.

84. It is indicated that Holiday accommodation may also be in the form of agricultural diversification. However, again these will be required to satisfy all relevant policy tests for holiday accommodation, including EP9 and the CDMP policies. If part of a farm diversification project, the linkage and enhancement to the sustainability of the existing farm business are also required.

85. In this case, therefore, subject to considering the WLP31 policies as a whole, I consider that a farm diversification for holiday accommodation, including small scale camping and glamping must be acceptable in principle.

86. I return in more detail below to the overall effect and to criterion (a) of Policy EP9 which requires that: (a) *The totality of development, including on*

*site services, is of appropriate scale and appearance to the local landscape.* However, it is evident even at this stage that the scale of the development on a site of this size appears excessive.

#### *Accessibility and sustainability*

87. As indicated by the LPA, alongside Policy SP2, Policy CDMP6 of the WLP31 requires development to include measures to encourage access on foot, by bicycle and public transport and reduce car reliance. Furthermore, the NPPF states that sustainable development means that development should be in the '*right place*', *accessible to local services, protect the natural environment and foster a low carbon economy*'.

88. Having visited the site and the surrounding area (including the nearby facilities in Stalmine), and having considered all of the submissions, I share the LPA's concerns regarding the accessibility and sustainability of these extensive proposals. With regard to the holiday use, it can clearly be acceptable for a farm enterprise to diversify to provide some basic camping in a field and even the odd Lodge or Glamping Pod. However, in this case I consider that the scale of the operation, and in particular the development of 21 Bell tents, is totally out of scale and inappropriate on this particular site within the open countryside. The development as carried out has implications both in terms of sustainability and character and appearance.

89. I share the LPA's, the Parish Council's and others' views that the potential number of visitors will result in serious issues relating to accessibility of the site and its sustainability as a countryside development.

90. The appeal site is located outside the nearest settlement of Stalmine and is accessed by well-used country roads (Neds Lane and Back Lane). These are unlit, with no footpaths and subject to the national speed limit (60mph). I return to Highway matters below.

91. There are no services or shopping facilities on site and guests would have to take an undesirable 15-minute walk to the nearest shopping facilities. Having seen this route and the nearest facilities, I consider that most visitors would drive there, or even further afield to larger stores to stock up with provisions. I find this to be a most unsustainable situation and contrary to local and national policies which seek to reduce reliance on the car.

92. I also agree with the LPA that due to the scale of the overall operation; the accessibility issues would be exacerbated at peak holiday times by the comings and goings of visitors and the potentially large numbers of campers/glampers staying on the site at any one time. In conclusion I do not consider that for this scale of operation the site is readily accessible. Nor, for the potential numbers of visitors can it be said to be sustainable. I agree with the LPA that the overall development as carried out does not accord with Policy SP2 of the WLP31.

#### *Effect on living conditions*

93. I have seen and read all of the approximately 90 submissions made at this appeal stage by 'interested persons'. Representations were also made directly to the LPA before the appeal was made. I have noted that a good proportion of these are from both residents and visitors to the site who support the Appellant's development. However, most objections are based on the size and scale of the development and on the issues set out above.

94. Reference has been made to the '*well-organised, aggressive objectors*' who live in the Stalmine Caravan Park and that they have written to the Authority, the local MP and others. Be that as it may, when planning applications are submitted any affected party is entitled to respond and this is still the case at appeal stage. In my assessment I have considered all of the submissions made both in support and against the development as carried out.

95. Two of the main of general objections relate to noise and disturbance and odours generated from the site. I deal with these below.

#### *Noise and disturbance*

96. In assessing the noise from people using the overall site and the car parks, the Noise Assessment (NA) conclusions were that the changes in ambient noise, at all identified residential dwellings, fell below the criteria noise level. Accordingly, it was concluded that there was no requirement to consider noise mitigation measures. It was also indicated that noise management is regulated by site rules which are all enforced to ensure that disruption to neighbouring amenity is minimised at all times.

97. In summary, it was concluded that the predicted level of noise from the development is sufficiently low enough at the identified residential dwellings to accord with the '*No Observed Adverse Effect Level*' as detailed in the PPG.

98. The Council stresses that due to the number of tents/pitches and taking into account the general noise associated with camp sites, an increase in disturbance relating to the use of the site as well as comings and goings to the site is unacceptable. These would be further exacerbated during peak season when a significant number of guests would be staying on the site.

99. I have considered the NA conclusions, but the Council's concerns and the evidence from others clearly indicate that there are serious noise issues for those living close to the site. At peak periods the disturbance must start with the amount of traffic arriving at the site and the comings and goings of the many visitors for the duration of their stays at the site. It is also evident that there is noise from music being played on the site late at night. Indeed, in one letter of representation, a visitor had even complained of noise generated from the Appellant's garden, as well as excessive noise from other campers.

100. Whilst accepting that there are noise management rules in place these have clearly not been effective during the busy summer months of the operation. This is not surprising given the high number of Bell tents which could be occupied at any one time. It is difficult to envisage how management of the site could prevent, or even minimise, the noise that holidaymakers might generate as they enjoy barbeques and music during summer evenings. The evidence indicates that the sounds have clearly carried to the nearest dwellings. It is a known fact that changes in atmospheric and other weather conditions can affect what might be heard, even from some distance away from the source.

101. Again, I consider that it is the scale of the overall development, with 21 Bell tents plus the Glamping Pod and the Lodge, that have resulted in unacceptable levels of noise being generated. Both Pod and the Lodge have adjacent hot tubs and the Lodge has an outside deck area. Visitors are most likely to want to use these facilities to the full and controlling their holiday

activities, when they might be producing excessive noise, cannot be easy or straightforward, especially considering the recreational facilities provided.

102. In summary on this issue I agree with the Council that overall, therefore, the development as carried out it is contrary to Policy CDMP3 of the WLP31, due to the unacceptably adverse impact on the amenity of the occupiers and users of nearby properties. In this respect it is also contrary to the NPPF which seeks to ensure that existing and future amenities are not adversely affected.

#### *Odours*

103. I have taken into account the Odour Assessment and the Field Survey, the findings of which indicated that odours associated with wood burning activities were only detectable in close proximity to the sources. In addition, it is stated that trees/vegetation along the site boundary were likely to contribute to effective dilution and dispersion of emissions. I have also considered the IAQM Methodology results.

104. However, again the evidence indicates that the effects of the smoke from the camp fires are far from '*negligible*'. Furthermore, it is unclear how management measures on site can avoid smoke from up to 21 fire pits being blown in any direction and towards nearby dwellings. Although the Council has not provided any detailed evidence regarding odours from the camp fires, there is considerable information from nearby residents to indicate that there are serious odour issues when the camp site and the Bell tents are heavily occupied.

105. In summary on this point I do not agree with the contention made on behalf of the Appellant that '*based on the results, it is considered that the requirements of the NPPF and Policies CDMP1 and CDMP3 of the Wyre Local Plan have been satisfied*'.

#### *Flood risk and drainage*

106. There seems to be some disagreement relating to which Flood Zone the site lies within, The Council considers it to wholly within Flood Zone 2 whilst the Appellants advisers indicate that it is partly in Flood Zone 1 and Flood Zone 2. Thus, a full Flood Risk assessment is required. This was not provided in relation to the withdrawn application.

107. Because the development relates to a change of use of land to a camping site, a sequential test is also required. Again, no information was submitted initially to the LPA that allowed it to consider if there were other sites suitable for the development that were at a lower risk of flooding. As such the LPA concluded that the proposal failed to comply with Policy CDMP2 and the NPPF.

108. Furthermore, the EA and the LPA's drainage engineer raised objection to the eventually submitted FRA. This had failed to include a quantitative assessment of the likely flood depths on site during a range of flood events and failed to indicate flood risk mitigation and management or a Flood Warning and Evacuation Plan (FWEP) as required by PPG for '*more vulnerable*' sites used for holiday or short-let caravans and camping. I again agree with the LPA that the development fails to comply with Policy CDMP2 and the NPPF.

109. There is also insufficient information in relation to surface water drainage meaning that the Lead Local Flood Authority (LLFA) could not assess whether the development proposal meets the requirements of the NPPF or the PPG.

110. With regards to foul drainage, no details were initially provided on capacity and construction details of the proposed underground tanks. Due to this lack of information the LPA was unable to determine a suitable form of foul water disposal. Even if it had been able to conclude that the foul drainage was acceptable, the other issues outweigh any such favourable finding and I agree with the LPA that the proposal does not comply with Policy CDMP2.

*The effect on highway safety*

111. I share the concerns of the Highway Authority (LCC) regarding the likely traffic generation during peak season. There are around 40 dwellings which are accessed off the Lane and there may be some through traffic which leads to an estimation of around 250 vehicle movements per day. I agree that traffic associated with the development would, at times, result in a significant increase in traffic levels on Neds Lane. I also agree that highway safety, rather than highway capacity, is the primary concern.

112. Any guests walking/driving to and from the site would have to share use of these narrow roads along with existing residents leading to increased conflict throughout the day and exacerbated during peak periods. Although it is acknowledged that mitigation could be provided by way of a passing places scheme, no such scheme has been put forward.

113. I have had sight of the 2008 decision (ref: APP/U2370/A/09/2101065) for an additional 8 park homes on the Stalmine Caravan Park. This appeal was dismissed as it concluded that the proposal would '*have an unacceptable effect on the safety and free flow of traffic on the surrounding highway network*'. Since the time of that appeal the only material change in highway conditions is that the speed limit on the A588 has been reduced to 50mph and part of Back Lane has been reduced to 30mph.

114. Having read the previous Inspector's decision I have no reason to disagree with his conclusion with regard to highway safety. It follows that, if an additional 8 dwellings would have had a detrimental impact for the safety of the highway, then, during the peak period, 21 Bell tents, the Lodge, the Glamping Pod and a number of ordinary tents on the field, will result in an even more adverse highway safety risk, at certain times, for users of Neds Lane itself and its junction with Carr Lane. I acknowledge that in relation to the later permission at the stables, it was considered that the development was sustainable. However, this was for a significantly smaller development than that which has been carried out at the site over the last 2 years.

115. At peak holiday times there would be a significant greater level of vehicular movements than the 2008 development and the changes in speed limits set out above would not sufficiently mitigate the highway safety conflicts identified. As such I agree that the development as proposed by the Appellant fails to comply with Policy CDMP6 and the NPPF.

*Conclusion regarding compliance with Policy EP9*

116. Having considered all material considerations, I do not consider that the development as carried out by the Appellant complies with Policy EP9. Whilst I have acknowledged that the principle of holiday accommodation could be acceptable in this part of Wyre, I consider that the development in this case is of



a totally inappropriate scale. Because of this it raises issues/conflicts with other development plan policies as outlined above.

117. With the site at capacity or near capacity, which has happened in the past, the number of Bell tents, other tents plus the Pod, the Lodge and the Utility block have resulted in development which is totally out of scale for a site of this size within the open countryside. I consider that even with the site being vacant (as during my visit) the number of Bell tents appeared cramped and tightly packed on the land. These and the Utility block detracted markedly from the appearance of the protected woodland.

118. A few normal camping tents on the open field and even the Pod and the Lodge might be acceptable and could retain the general appearance of the landscape. A development which was appropriate in scale might be able to be achieved but this would be a matter between the Appellant and the LPA. Also, for a permanent development and no matter how small, a change of use of the land would be required. This has been acknowledged on behalf of the Appellant.

### **Overall Conclusion**

119. If the development was proportionate in scale and accorded with other relevant policies within the WLP31, then the principle of a camping/glamping use of this site would be acceptable. However, what started off as a small enterprise (as permitted development/diversification on farmland) for camping on part of the Appellant's land has, in my view, ended up as a most inappropriately large 'holiday camp'. Although most of the information, that was lacking for the withdrawn application has now been provided, I consider that the unauthorised development as carried out is excessive and harmful in this part of the Wyre countryside. It is too large and in the '*wrong place*'.

120. As carried out it fails to accord with Policies SP2; CDMP2; CDMP3; CDMP6 and EP9 Holiday Accommodation of the WLP31. It also fails to accord with NPPF policies in sections: 2 (Achieving sustainable development); 9 (Promoting sustainable transport); 12 (Achieving well-designed places); 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment).

121. I conclude, therefore that the appeal must fail and that planning permission will not be granted for the unauthorised development carried out .

### **Formal Decision**

122. The Appeal is dismissed and the enforcement notice is upheld. Planning Permission is refused for the application deemed to have been made under S177(5) of the Act.

*Anthony J Wharton*

Inspector

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## Appeal Decision

Site visit made on 7 November 2023

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

**an Inspector appointed by the Secretary of State for Levelling Up Housing and Communities**

**Decision date: 16 November 2023**

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### **Appeal Ref: APP/W2370/C/22/3312310**

### **12 Gloucester Avenue, Thornton Cleveleys FY5 2DQ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Michael Swarbrick against an enforcement notice (EN) issued by Wyre Borough Council (the LPA).
- The enforcement notice was issued on 3 November 2022.
- The breach of planning control as alleged in the notice is as follows:  
The construction of a second story side extension across the southern gable end of the dwellinghouse that forms part of the land and above an attached single storey vehicle garage ('The Extension').
- The requirements of the notice are as follows:
  - (i) Demolish the extension in its entirety.
  - (ii) Remove from the land all building materials rubble and debris arising from compliance with step (i) above).
  - (iii) Reinstatement of the dwellinghouse that forms part of the land to the condition it was in prior to the construction of the extension.
  - (iv) Reinstatement of the vehicle garage on the land to the condition it was in prior to the construction of the extension including (but not by way of limitation) the reinstatement of the pitched roof to the vehicle garage.
  - (v) Remove from the land all building materials rubble and debris arising from compliance with steps (iii) and (iv) respectively above.
- The periods for compliance with the requirements are as follows:
  - (i) Step (i) – 6 months.
  - (ii) Step (ii) – 6 months.
  - (iii) Step (iii) – 6 months.
- The Appeal is proceeding on ground (a) only, as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
- An Appeal (3312311) had also been made by Mrs Sandra Swarbrick, but this lapsed.

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### **Decision**

1. The Appeal is allowed. See Formal Decision below.

### **Introduction and background information**

2. The two-storey, semi-detached dwellinghouse, which forms the appeal property, is located on Gloucester Avenue to the east of Rossall Road (A587). This is the main Cleveleys to Fleetwood Road, and the route of the Fleetwood to Blackpool tramway. The house lies roughly in the middle of a row of similarly designed semi-detached houses, some of which have also been extended and altered.

3. Prior to the appeal extension being constructed there was a single storey garage with a mono-pitched roof attached to the south elevation and extending up to the boundary with No 13. This is shown in photograph 1 attached to the enforcement notice. The new first floor extension also extends up to the boundary of the

neighbouring property and a garage has been retained at ground floor level. This is shown in photograph 2 attached to the enforcement notice.

4. The appellant indicates that advice was initially sought from both the Planning (P) and Building Control (BC) sections of the Council. BC had advised changing the roof design from a 'cold roof' to a 'warm roof' and that this had resulted in the height of the extension being increased. A structural engineer had also been appointed in relation to the changes. It is indicated that the BC section of the Council then approved the design for Building Control purposes. However, despite these interactions with the Council there is no planning permission in place for the extension as built.

5. It is indicated that the upper part of the extension was built on top of the existing single-story extension using the existing footprint. It is also stressed that the gap between the two properties has not been reduced and is contended to be in keeping with a number of other properties in the local area. A list of these is set out in the Appeal Form and during my visit I noted most of the examples. It is also indicated that the neighbouring property is not linked by the extension and that it is not considered to result in a terraced effect.

6. However, in the reasons for issuing the EN the Council stresses that due to its height; the fact that it is almost flush with the façade of the house and that the gap between properties has been visually reduced, the extension has resulted in a perceived and unacceptable terraced effect.

### **The appeal on ground (a)**

#### *Relevant Policy*

7. On 26 January 2023 the Council adopted the Wyre Local Plan 2011-2023 (WLP) (incorporating a partial update of 2022). The new Local Plan (LP) is a revised replacement of the WLP retaining all of its policies including CDMP3 which is the most relevant policy in relation to the EN as issued. The adopted Supplementary Planning Document (SPD), 'Extending your Home' is also relevant. The National Planning Policy Framework (NPPF) is also a major material planning consideration, and the most relevant section is Section 12, 'Achieving well-designed places.'

#### *The Main issue*

8. The main issue is the effect that the extension has had on the character and appearance of this residential part of Cleveleys.

#### *Reasons*

9. Policy CDMP3 seeks to achieve a high standard of design for all development within the Borough. The SPD, adopted in conjunction with Blackpool Council and Fylde Borough Council, reinforces the need for good design when extending homes. Both the policy and the SPD seek to ensure that when house extensions are allowed, they must respect and enhance the character and appearance of an area and must create or make a positive contribution to the existing townscape.

10. The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. It specifically indicates that development that is not well designed should be refused, especially where it fails to reflect local and government guidance on design, taking into account any local design guidance and SPDs.

11. Having seen the property from both near and distant viewpoints and having seen some similar, but admittedly not identical, extensions within Cleveleys, I do not share the Council's concerns about the design this particular flat-roofed extension.

12. Although the extension extends up to the shared boundary of No 13, there is still a significant gap of just over 4m between the two properties. I do not accept the Council's contention, therefore, that it has resulted in a 'terraced effect'. When viewing similar extensions in the locality I noted that another nearby flat-roofed extension, in Cumberland Avenue, extended right up to the adjacent dwelling, and this indeed had created a terraced effect.

13. Clearly, I am not aware of the planning status of that particular property, or the other extensions referred to by the appellant, but this particular example did result in a true 'terraced effect'. The appeal property, on the other hand, is not, in my view, perceived as such. The fact that it has the potential to result in such an effect cannot be a determining factor in this instance, where the extension as built must be assessed on its merits and as it stands.

14. Nor do I accept the Council's contention that the extension is '*almost flush*' with the main elevation of the house. It is set back from the frontage by just over 0.5m. When approaching from the south, on both the road and the pavement, this set-back is obvious and noticeable. This again results in an appearance which, in my view, cannot be described as 'terraced'. I consider that the combination of the gap between the dwellings and the set-back results in the extension being perceived as 'subordinate' to the main part of the house. Thus, in my view, it accords with the requirement set out in the SPD.

15. I acknowledge that flat roofed designs can appear as being out of character with their surroundings. However, in this case the simple line of the roof, combined with the materials and finishes, has resulted in an acceptable design that is not harmful to the character and appearance of this section of Gloucester Avenue.

16. In conclusion I consider that the proposal accords with Policy CDMP3 of the WLP, as well as with the requirements of the SPD and the relevant policies set out in Section 12 of the NPPF. It follows that the appeal succeeds, and the enforcement notice will be quashed.

### **Other Matters**

17. Although not raised by the Council, during my visit, I noted the kitchen window in No 13 and considered whether or not this could have resulted in an overbearing effect for the occupants of that house. However, having seen the gable of the extension from within the kitchen and garden of No 13, I do not consider that it has resulted in any harmful effect on the living conditions for the occupants of No 13. I also note that there are no responses or objections before me following the notification letter sent out to inform others of notice.

### **Formal Decision**

18. The Appeal is allowed, and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under Section 177(5) of the Act.

*Anthony J Wharton*

Inspector

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