



# Appeal Decision

Site Visit made on 13 July 2021

**by J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 September 2021**

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**Appeal Ref: APP/M2325/W/21/3271650**

**Windy Harbour Holiday Centre, Windy Harbour Road, Little Ecclestone  
With Larbreck, Poulton Le Fylde FY6 8NB**

- 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 Partingtons Holiday Centres against the decision of Fylde Borough Council.
  - The application Ref 19/0855, dated 21 October 2019, was refused by notice dated 28 September 2020.
  - The development proposed is a change of use of land to allow the siting of an additional 74 static caravans for holiday use.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site address differs on the application form, the decision notice and the appeal form. For clarity, I have used the address as set out in the Local Planning Authority's (LPA) decision notice as this is a more accurate reflection of the site's location.
3. The appellant's Habitat Regulations Assessment considers the scheme's effects as a result of increased recreational use of the Ribble Estuary. However, the proposal is located directly adjacent to the Wyre Estuary and I have considered its consequent effects on this basis.
4. The LPA's second reason for refusal centres around a lack of any drainage details to support the proposal. A letter from 'Waterline Environmental Ltd', dated 3 December 2018, was subsequently submitted with the appeal. As both the LPA and interested parties have had the opportunity to review this as part of the appeal documentation, I do not consider that any party would be disadvantaged by its submission, and I have therefore taken this into account in my decision.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the revised Framework in my decision and I am satisfied that this has not prejudiced the main parties as they were invited to comment on the implications of this for the appeal. I have had regard to any comments made in this regard.

## Main Issues

6. The main issues in this appeal are:
  - The effect of the proposed development on the character and appearance of the surrounding area; and,

- Whether the proposal would provide adequate arrangements for the disposal of foul water from the site.

## Reasons

### *Character and appearance*

7. The appeal site is an area of land within the Windy Harbour Holiday Centre, an established caravan park located in the countryside to the east of Poulton Le Fylde, and to the immediate south of the River Wyre. The site can be described as three distinct areas where static caravans are proposed to be sited. The first is located centrally within the holiday park, to the rear of the reception building, and is currently used by touring caravans. 38 units are proposed in this area. The second relates to an area of open space along the western boundary of the site where 10 units are proposed. The third is an area of open space along the southern boundary of the site where 26 units are proposed.
8. The LPA does not object to the proposal with respect to the siting of additional static caravans and associated infrastructure in the first two areas. I observed during my visit that these areas are more closely associated with the existing layout of the caravan park and therefore I see no reason to disagree with the LPA's conclusions in this regard. Consequently, the LPA's concerns are limited to the development of the southern area of the site.
9. The existing caravans, lodges and associated infrastructure, including areas of hardstanding and roads, are confined to the north of the site and away from the area where the 26 additional units are now proposed. The main part of the caravan park is separated from this southern area by a man-made embankment topped with a row of mature willow trees which together provide a mature landscape feature that screens the site from surrounding views.
10. The southern area of the site can be characterised as an area of open amenity grassland, used by visitors as a recreational field, and comprises close mown grass which has grown rank towards the site boundaries. While the site is not within an area of special landscape designation, its open undeveloped parkland character provides an attractive setting to the caravan park at a point of transition with the surrounding rural character of the area. It therefore makes a positive contribution to the surrounding area and is highly visible in views from the footpath/cycle way along Pool Foot Lane, which runs along the southern boundary of the site.
11. In addition to the siting of 26 static caravans, the proposal would include areas of hardstanding and each unit would have an area of decking and a private parking space. A perimeter road would also provide access throughout the extended area of the caravan site. The introduction of these features and the associated domestic paraphernalia would substantially alter the landscape character of the southern area of the site resulting in a harmful urbanising effect that would diminish the open undeveloped qualities of the site.
12. The development's wider visibility in the landscape would be mitigated to an extent by the caravan park's existing perimeter planting, particularly in views from the west. Nevertheless, its presence would be noticeable in short range views through gaps in the vegetation along the southern boundary from Pool Foot Lane. Indeed, I saw that much of the vegetation along this southern boundary is deciduous and therefore the patchy nature of the boundary would afford glimpsed views of the development for most of the year, and it would be

increasingly visible at times of the year when there would be reduced leaf cover.

13. The proposal is supported by a Landscape and Visual Appraisal Report<sup>1</sup> (the LVAR) which identifies the site and its surroundings as being of medium landscape value, and I would agree with its assessment in this regard. The LVAR is accompanied by a comprehensive Landscape Master Plan for the entirety of the appeal site. This proposes landscape zones to the west and south via the introduction of a semi-natural woodland belt to reflect the typical width of woodland belts found in the locality and it would include transplants and feathered trees in an attempt to provide some instant screening.
14. However, the proposed planting would take some time to mature, with the LVAR concluding that the development would be entirely screened after 15 years of growth. This would be an unacceptable period of visual harm to the area. In fact, it appears to me that the Landscaping Masterplan is predicated on screening the development from view rather than successfully integrating it into its surroundings. In any case, the proposed landscaping would not overcome the loss of the site's open undeveloped qualities and, in this respect, its contribution to the wider setting of the caravan park and the surrounding countryside.
15. Whilst I acknowledge that the proposal would provide additional tourist accommodation in the area, I do not find the associated economic benefits and the benefits arising from any biodiversity gain, as a result of the additional planting, to be of sufficient weight to outweigh the harm I have found to the character and appearance of the area.
16. The appellant has drawn my attention to the LPA's support for the development of a golf resort with 495 holiday lodges, a hotel and leisure facilities<sup>2</sup> located on land to the south of Pool Foot Lane. It is put to me that this development would substantially change the character of the surrounding landscape. However, I have no evidence before me to confirm that this scheme has been approved, as it appears there are some unresolved issues. I cannot therefore be sure that this other development would go ahead as proposed. Therefore, I must consider the appeal on its own merits with regard to the character and appearance of the surrounding landscape as it currently exists. Therefore, this does not alter my findings on this main issue.
17. Consequently, I find that the proposed development would significantly harm the character and appearance of the surrounding area. In doing so, it would be contrary to policies GD4, GD7, ENV1, EC6 and EC7 of the Fylde Local Plan to 2032 (adopted 2018) (the FLP) and the associated provisions of the Framework. Together, amongst other things, these policies seek to protect the rural character of the countryside from unacceptable development, expect proposals to demonstrate high quality design with regard to visual impact on the surrounding landscape and supports the provision of tourism facilities that are sensitively designed.

### *Drainage*

18. Policy CL1 of the FLP requires new development to retain water quality and efficiency, amongst other things. This is constant with paragraph 174 of the

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<sup>1</sup> Landscape and Visual Appraisal Report by ReLandscape, dated October 2019

<sup>2</sup> LPA Ref. 19/0318

Framework which seeks to enhance the natural and local environment by preventing new development from contributing to water pollution.

19. The caravan park currently operates under an Environmental Permit which is regulated by the Environment Agency and allows the discharge of treated effluent from an on-site sewerage treatment plant into the River Wyre Estuary, a Site of Special Scientific Interest with several European habitat designations. The appellant has advised that foul water generated from the proposal will also be treated and disposed of in this way. However, no details or a specification of the water treatment facility have been provided to support the proposed development and therefore I cannot be certain that this would be an adequate arrangement for the disposal of foul water from the site.
20. Whilst the Environment Agency does not object to the proposal, it has expressed concerns that recent samples of treated effluent from the site have not met the required standard, resulting in a breach of the site's environmental permit. The appellant has submitted a letter from Waterline Environmental Ltd<sup>3</sup>, who maintain the onsite water treatment plant, advising that the treatment plant can accommodate the proposal within its existing capacity and confirming that samples taken in Autumn 2018 showed as a failure. However, I note that this correspondence pre-dates the comments from the Environment Agency by almost one year and there is no evidence before me to confirm that the treatment plant is now operating to the standard required by the environmental permit.
21. The appellant has suggested that sufficient safeguards can be provided using a combination of conditions and the extant environmental permit procedure. Nevertheless, I have not been presented with a condition that would secure the necessary safeguards and given recent breaches of the site's environmental permit and its proximity to designated protected areas, it would be unacceptable to leave this matter to be controlled by conditions.
22. Overall, in this regard, I conclude that it has not been demonstrated that the proposal would provide adequate arrangements for the disposal of foul water from the site. Therefore, the proposal would conflict with Policies CL1, ENV1 and ENV2 of the FLP which together seek to maintain water quality and ensure that development does not adversely affect the nature conservation assets of the coastline.

### **Other Matters**

23. The proposal is in close proximity to the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), the Morecambe Bay Ramsar Site, and the Morecambe Bay Special Area of Conservation (SAC). This estuary environment, including saltmarshes, mudflats and sandflats along with large shallow inlets and bays provides sensitive habitat and essential feeding grounds for an ensemble of internationally important numbers of birds and other species. The Conservation of Habitats and Species Regulations 2017 (as amended) require the competent authority to undertake an Appropriate Assessment prior to the granting of permission for any project. In the context of this appeal, this responsibility falls to me.
24. The proposal would be likely to attract additional tourists to the area increasing the recreational pressures on this part of the river estuary and coastline. The loss of recreation ground within the site could compound such pressure. There

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<sup>3</sup> Letter from Waterline Environmental Ltd to Partingtons Holiday Parks, dated 3 December 2018

is also the risk of additional pollution from increases in foul water discharge into the estuary. There are therefore likely to be significant effects on the integrity of the designated protected areas when considered alone or in combination with other projects and plans.

25. The appellant has provided a Habitats Regulations Assessment to support the proposal, but contrary to my screening assessment it concluded that there would be no significant effects and no mitigation was required. However, it suggested information packs to advise visitors of the sensitive nature of the adjacent estuary. Subject to securing these, Natural England did not object to the proposal.
26. Nevertheless, I have very limited information before me regarding the proposed visitor packs, including their content, their means of distribution, how they would be paid for and how they would be secured long term. Therefore, I am not satisfied that this mitigation would be effective or that a suitable mechanism has been put forward to secure it. However, as I am dismissing the appeal on other grounds, I do not need to consider this matter further.

### **Conclusion**

27. I have found that the proposal would be harmful to the character and appearance of the surrounding area and it has not been demonstrated that the proposal would provide adequate arrangements for the disposal of foul water.
28. Consequently, for the above reasons, the proposal is contrary to the policies of the development plan and no material considerations of sufficient weight have been advanced to justify a decision other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

*J M Tweddle*

INSPECTOR