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## Appeal Decision

Site visit made on 20 September 2016

**by Debbie Moore BSc (HONS) MCD MRTPI PGDip**

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

**Decision date: 11 October 2016**

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**Appeal Ref: APP/V3310/W/16/3151825**

**Barn at Whitegate Farm, East Bower, Bridgwater, Somerset TA6 4TU.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr and Mrs T Hooper against the decision of Sedgemoor District Council.
  - The application Ref 09/15/00025/LE, dated 27 October 2015, was refused by notice dated 25 February 2016.
  - The development proposed is conversion of building to form 2 bedroom dwelling.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the prior approval for the conversion of building to form 2 bedroom dwelling on land at Barn at Whitegate Farm, East Bower, Bridgwater, Somerset TA6 4TU in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2(1) of the GPDO through application Ref 09/15/00025/LE, dated 27 October 2015, and the plans submitted with it. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GPDO.

### Procedural Matter

2. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the GPDO. Therefore, the proposal constitutes permitted development under Class Q, subject to the prior approval of certain matters. For permitted development under Class Q(a), change of use, together with development under Class Q(b), building operations, paragraph Q.2.(1) of the GPDO requires the prior approval of six matters. These are: (a) the transport and highways impacts of the development; (b) noise impacts of the development; (c) contamination risks on site; (d) flooding risks on site; (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) and (f) the design or external appearance of the building.
  3. In refusing the application, the Council cites flooding risks on site and states that the development is contrary to the National Planning Policy Framework
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(the Framework), paragraph 102. My consideration of this appeal is therefore confined to flooding risks only.

### **Main Issues**

4. The main issue is whether the flooding risks make it impractical or undesirable for the building to change to use as a dwellinghouse.

### **Reasons**

5. The Framework (paragraph 104) and the Planning Practice Guidance (PPG) (Table 3, paragraph 067) make it clear that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use. Minor development in relation to flood risk is defined in the PPG (paragraph 046) as development that does not increase the size of the building, for example, alterations to the external appearance. Consequently, the two parts to the Exception Test (i) that it will provide wider sustainability benefits to the community that outweigh flood risk, and (ii) that it will be safe for its lifetime without increasing flood risk elsewhere, are not applicable to the appeal proposal.
6. However, the site is located within Flood Zone 3, which is an area deemed by the Environment Agency as being at a high risk of flooding, and the development proposed is a dwellinghouse which is defined as 'more vulnerable' (PPG, Table 2, paragraph 066). Therefore, having regard to paragraph W.(10)(b) of the GPDO I have considered the Framework insofar as it is relevant to the flooding risks of the proposal.
7. A site-specific Flood Risk Assessment (FRA) has been submitted by the appellant. This identifies that the site may be potentially at risk of flooding from a nearby water course, tidal flooding or a combination of the two. The FRA relies on the Council's Strategic Flood Risk Assessment – Level 2 report, which details the findings of a modelling exercise carried out in 2008. This considered scenarios including a breach of the nearby watercourse to the north and south of the site, and a non-breach tidal flooding event. The effects of climate change over 100 years were also part of the modelling exercise.
8. The Strategic Flood Risk Assessment 2008 modelling shows that if there were to be no breach of the nearby watercourse or if a breach occurred to the north or south, the site would not be at risk of flooding at the present time. When considering climate change, the site would be affected by flooding but the hazard category would be low in all scenarios. Therefore, although the site is located within Flood Zone 3, the Council's Strategic Flood Risk Assessment identifies the long term risk of flooding as low.
9. The FRA also includes an assessment of ground water and overland flow. It is concluded in the FRA that this would be controlled by drainage ditches which act as sump to drain water away from the site. I have no evidence before me to refute this assessment. Also, the appellant states that the Civil Contingencies Officer at Somerset County Council has advised that there has never been a recorded flood event at the site. I have no information before me of any previous flooding events that have affected the site.
10. The proposal would not result in a change to the building footprint and it would not lead to an increase in the impermeable area, as the proposed parking area is an existing hardstanding. Consequently, the proposal would not increase

surface water run-off. As such, the development would not increase the risk of flooding elsewhere.

11. The FRA includes a series of mitigation measures including raising the finished floor level to 150mm above ground level. The Council does not consider that this would be feasible given the constraints of the building. However, the evidence for this assertion is limited. In any event, on the basis of the evidence before me, the long term risk of flooding is low.
12. The appellant states that the proposal is to provide accommodation for an elderly relative who would use the main farmhouse as a place of refuge in the event of a flood, and that they would not object to a condition tying the converted barn to the main house. The Council considers that a condition would not be reasonable. I agree that such a condition would not be appropriate as making the converted barn ancillary to the main house would not necessarily achieve the intended aim, which is to provide a flood refuge.

### **Conditions**

13. The Council has suggested a condition related to parking provision. However I saw from my site visit that there is adequate space for parking within the site at present and therefore the condition is not necessary.

### **Conclusion**

14. I conclude that the flooding risks do not make it impractical or undesirable for the building to change to use as a dwellinghouse. Therefore, the appeal should be allowed.

*Debbie Moore*

Inspector