
Appeal Decision

Site visit made on 11 October 2016

by David Walker MA MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/D0840/W/16/3149596
6 Moorland Road, Par, Cornwall PL24 2PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Shillito against the decision of Cornwall Council.
 - The application Ref PA16/00088, dated 6 January 2016, was refused by notice dated 3 March 2016.
 - The development proposed is two 1 bed units on land adjacent to 6 Moorland Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether the proposal would result in new dwellings that would be vulnerable to the effects of flooding.

Reasons

3. The appeal site falls within Flood Zones 2 and 3 of the Environment Agency's flood map indicating that the proposal would be at a high risk of flooding. The Government's policy as expressed at paragraph 100 of the National Planning Policy Framework (the Framework) is to avoid inappropriate development in areas at risk of flooding by diverting development away from areas at highest risk. Residential development is classified as more vulnerable development under the Planning Practice Guidance (PPG).
4. A Flood Risk Assessment (FRA) provided by the appellants acknowledges that the site would be at risk of both fluvial and tidal flooding when taking into account the predicted effects of climate change. It is submitted, however, that the proposal would provide for an unmet housing need within Par at a location with good access to local services and facilities and falling within the St Austell/Newquay Travel to Work Area.
5. In circumstances where there is an absence of reasonable alternatives at zones with a lower probability of flooding I acknowledge that the Sequential Test adopted by the Framework may support new development, subject to a further Exception Test. While the appellants have pointed to a lack of suitable properties within 1 mile of the appeal site, the implementation strategy¹ provided to me indicates that the housing requirement identified within the

¹ Cornwall Local Plan Housing Implementation Strategy, January 2016

emerging Cornwall Local Plan (CLP) for the St Blazey, Fowey and Lostwithiel Community Network Area (CNA) will likely be achieved.

6. Although this strategy relies to an extent on unidentified small sites, the parishes of St Blaise and Tywardreath with Par are actively involved in neighbourhood plan preparation that will likely lead to further allocations within the CLP plan period. With the recent granting of permission for 50 new houses at Lostwithiel the Council now claims² that it can demonstrate a five-year supply of deliverable housing sites on land that is free from flooding.
7. I acknowledge that these sites may not deliver new homes in close proximity to the appeal site. However, the CLP is well advanced and the Community Network Areas identified are the only mechanism before me for the distribution of new housing at the local level. To the extent that the housing strategy promoted for the CNA in the CLP is no longer subject to public consultation I afford it significant weight in line with the advice at paragraph 216 of the Framework.
8. In relation to the Sequential Test, therefore, while I have no reason to dispute the lack of housing sites within the immediate vicinity of the appeal site there is evidently a range of alternatives within the wider CNA. On this basis I am not satisfied that the proposal is warranted with the flood risk that is demonstrated within the FRA.
9. Whether or not the Exception Test is required in the light of my findings in the Sequential Test, there would undoubtedly be sustainability benefits from the proposal in the additional housing at an accessible location. However, the only entrances to the site would be under water during times of flooding. The mitigation strategy promoted for occupants to 'stay put' is reliant on tidal flooding events being predictable and of short duration. Fluvial flooding however could inundate the appeal site at short notice preventing emergency egress and access and putting lives at risk. The alternative access referred to via 21 Par Green is not within the control of the appellants to reasonably be available as an escape route.
10. It cannot be shown therefore that safe egress could be achieved for the development for it to amount to being appropriately flood resilient and resistant for the purposes of paragraph 103 of the Framework. Although I have been provided with evidence of sea levels receding at Par and of greater risks to human life from road traffic accidents, these are insufficient to outweigh the demonstrable risks from the effects of flooding and the objection to the scheme from the Environment Agency.
11. I conclude therefore that the proposal would result in new dwellings that would be vulnerable to the effects of flooding. As a result it would directly conflict with the Government's policy and guidance for avoiding the harmful effects of flooding set out within the Framework and PPG. It cannot therefore amount to being a sustainable development for the purposes of the presumption in favour of sustainable development.
12. As I have nothing before me to indicate that the proposal would reduce the capacity of a floodplain or impede the natural flow of water, however, saved

² Cornwall Monitoring Report: Cornwall 5 Year Supply Housing Statement, December 2015

Policy 113 of the Restormel Borough Council Local Plan 2001-2011 referred to in the reason for refusal does not appear to be applicable.

Conclusion

13. For the reasons given above, and with regard to the development plan read as a whole and to the Framework, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR