
Appeal Decision

Site visit made on 18 October 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 28TH November 2016

Appeal Ref: APP/V0510/W/16/3154684

**Land opposite The Common House, Second Drove, Little Downham,
Cambridgeshire CB6 2UD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Amy Barker against the decision of East Cambridgeshire District Council.
 - The application Ref 16/00263/OUT, registered by the Council on the 14 March 2016, was refused by notice dated 7 July 2016.
 - The development proposed is an outline application for a 4 bedroom residential dwelling with the existing access already in place.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal proposal was submitted in outline with the means of access being considered at the outline stage and I have dealt with the appeal on this basis. I also acknowledge that an illustrative layout plan was also submitted which showed a possible location for the property.

Main Issues

3. The main issues are whether the proposal would comply with the spatial strategy of the National Planning Policy Framework (the Framework) and the East Cambridgeshire Local Plan April 2015 (LP) in terms of minimising flood risk and the effect of the development on the character and appearance of the area.

Reasons

Flood risk

4. The appellant has carried out a Flood Risk Assessment (FRA) which indicates that the site lies within Flood Zone 3. Paragraph 100 of the Framework advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based, approach should be taken that steers development towards areas with the lowest probability of flooding.
 5. The Framework also makes it clear that only if there are no other sites with a lower flood risk should consideration be given to whether the development
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could be made safe without increasing the risk of flooding elsewhere, through a FRA and the application of the Exception Test.

6. The Council have indicated that in order to pass the Sequential Test there should be no other reasonably available sites within the villages of Little Downham or Pymoor outside of Flood Zone 3. The Sequential Test undertaken by the Appellant considers these areas but is limited to a search of estate agents and land being marketed for sale.
7. Whilst the Sequential Test information indicated that no other sites were available to purchase, it does not appear to identify or consider whether other sites are suitable or available. The Council have identified several sites in the area which have been allocated for development or granted planning permission.
8. The Appellant indicates that they have contacted the owners of these sites referred to by the Council and they were found to be unavailable. However, no evidence of such has been presented to me to substantiate that claim. Therefore, from the evidence before me, I am not persuaded that there are not other more suitable sites for the proposed development with a lower risk of flooding.
9. My attention has been drawn to other sites which have been granted planning permission and are also located in Flood Zone 3. I have also been provided with some details of another site on Pymoor Lane (16/00209/FUL) which is located outside of Flood Zone 3. However, I have not been made aware of the full details of these cases. Moreover, each case must be considered on its individual merits.
10. For the above reasons, the proposed development would fail to minimise flood risk by locating new housing in an area of high flood risk contrary to the aims of the Sequential Test. As a consequence, the development would be contrary to Policy ENV8 of the LP and the Framework which, amongst other matters, seek to ensure that new development is located in areas at the lowest risk from flooding.

Character and appearance

11. The appeal site is located to the south-east of Second Drove, to the south-west of a railway line, and opposite a dwelling known as The Common House. The area is undeveloped in character with only a scattering of buildings along Second Drove and in the surrounding area. There is a transport yard on the opposite side of the railway line to the south-east of the site approximately 380 metres away. The site is set lower than the highway and the railway line and is currently being used for agricultural purposes.
12. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However, it adds that isolated homes in the countryside should be avoided unless there are special circumstances.
13. Given the open nature to the site and the adjoining land the erection of a dwelling would not be located in an area where there is a degree of built development. Whilst The Common House opposite and other scattered

dwelling do punctuate the undeveloped nature of the area this does not in itself justify further development.

14. Furthermore, given that the east side of Second Drove does not have any built development on the south side of the railway line, the construction of a new dwelling would be detrimental to the open rural character and appearance of the area.
15. The Council have not advanced a case that indicates that the site would be isolated from services. Notwithstanding the cited appeal in Soham (APP/V0510/W/16/3143840), I have no reason to disagree with the Council in terms of the social aspects of sustainability. However, the locational element of the proposal development leads me to conclude that the dwelling would be isolated in the context of paragraph 55 of the Framework.
16. The appellant has indicated that there is a requirement to be on the site so that care can be given to elderly immediate family members and to create a sustainable livery yard. However, whilst I accept that there would be a clear benefit to being located close to family members this does not amount to such special circumstances. In respect of a sustainable livery yard, this does not form part of the appeal scheme before me and has no bearing on the planning merits of the proposal.
17. For the above reasons, I conclude that the dwelling would lead to unacceptable harm to the character and appearance of the area. The development would therefore be in conflict with the Framework, and Policies ENV1 and ENV2 of the LP which amongst other matters seek to protect the landscape character and appearance of the area.

Planning balance

18. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the Framework, the housing supply policies in the LP are not up-to-date.
19. Consequently the fourth bullet point of paragraph 14 of the Framework comes into force. This makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or where specific policies in the Framework, such as where location are at risk of flooding, indicate that development should be restricted.
20. The development would be located within Flood Zone 3 with inadequate information to demonstrate that there are no other more sequentially preferable sites in lower flood risk areas. This factor weighs heavily against the proposal.
21. From the evidence before me, it is unclear what the shortfall in the Council's five year housing land supply is. Notwithstanding this, the provision of one dwelling is unlikely to have any significant effect in reducing the deficit.
22. In considering the social and economic aspects of sustainable development, the development would give rise to some minor social benefits in that it would provide much needed additional housing. The development would also bring some minor economic benefits through the construction process and additional

residents to support the facilities in the wider area. I also acknowledge that the Appellant suggests that the dwelling would be a sustainable 'eco-house' with a low carbon footprint. These matters favour the proposed development.

23. However, to my mind, the factors weighing against the proposed development significantly and demonstrably outweigh the minor factors in its favour. The proposal cannot therefore be considered to be sustainable development. As such it would not accord with the sustainability aims of the Framework.

Conclusion

24. Taking all matters into consideration, including support for the proposal from the Parish Council, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR