
Appeal Decision

Site visit made on 22 November 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/H3320/W/16/3155487

North Hill View, The Warren, Minehead, Somerset TA24 5SL.

- 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 A Atkins against the decision of West Somerset Council.
 - The application Ref 3/21/15/071, dated 25 August 2015, was refused by notice dated 27 July 2016.
 - The development proposed is detached two bedroom bungalow with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The West Somerset Local Plan to 2032 was formally adopted during the course of the appeal process. I have therefore determined this appeal in accordance with the policies of this plan.
3. The appellant submitted revised plans (1304/200B) during the course of the appeal process. While the original plans were for a single storey bungalow, the revised plans propose an additional room on the first floor with an associated dormer window. As such, the revised proposal is materially different from the original planning application. If this appeal were to be determined on the basis of the revised plans there would be a risk that parties wishing to comment on the changed development would be deprived of the opportunity to do so. In the interests of fairness, I have therefore determined this appeal on the original drawings (1304/200A).

Main Issues

4. The main issues in this case are:
 - whether the proposal would comply with policies that seek to steer new development away from areas at the highest risk from flooding.
 - whether the site provides a suitable location for housing having particular regard to its accessibility to local services.
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Reasons

Flooding

5. The appellant states that the Environment Agency flooding maps show that the appeal site is within Flood Zone 2. However, the Environment Agency has subsequently confirmed that their Flood Map for Planning (Rivers and Sea) shows the site to fall within Flood Zone 3. In the absence of any substantive evidence to the contrary, I therefore treat the site as being situated within Flood Zone 3 for the purposes of this appeal. Land within Flood Zone 3 is classified as having the highest probability of flooding.
6. The appellant draws particular attention to the coastal defences in the vicinity of the appeal site. This includes the formal defences running along the sea front from the Esplanade to the Minehead Golf Club Clubhouse. I am also informed that there are sand dunes providing additional coastal defences towards the north of the site. As a consequence, I understand that the West Somerset Level 2 Strategic Flood Risk Assessment does not show the appeal site to be at current risk of flooding. However, the Environment Agency states that the assessment fails to take into account the poor condition of the sand dunes which are at risk of damage in storms. Indeed, evidence is presented to suggest that there is a significant risk of the dunes being breached, in which case the appeal site would be prone to tidal flooding. Based on the evidence before me, I therefore consider that there is a realistic prospect of the appeal site flooding within the foreseeable future.
7. The Planning Practice Guidance (the PPG) indicates that a sequential approach should be used in any areas known to be at risk of flooding. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered. The appellant argues that available land in the immediate area is located towards Seaward Way and Stephenson Road, where there is an equal risk of flooding. However, even if this is the case, the size of the search area used to make this assessment has not been clearly explained or justified in planning terms. As such, it remains unclear whether there are other sites reasonably available within Flood Zones 1 or 2 that are able to support the type of development being proposed. Hence, the requirements of the sequential test have not been met.
8. Although I am considering this appeal on the basis of the original plans for a single storey bungalow, I nonetheless recognise the appellant's willingness to provide a room on the first floor to provide refuge in the event of flooding. However, this would only become a relevant matter if it were firstly established that the proposal complies with the sequential test and a new dwelling within Flood Zone 3 could be justified on that basis. I have already found that insufficient evidence has been put forward in this appeal to demonstrate that the proposal complies with the requirements of this test.
9. I am informed that the Council has granted planning permission for other nearby dwellings which are also situated within Flood Zone 3. However, I have not been provided with many details of these proposals or informed of the particular circumstances under which they gained planning permission. As such, I am unable to determine that a convincing precedent in favour of developing the appeal site has been established.

10. I therefore conclude that the proposal would not comply with policies that seek to steer new development away from areas at the highest risk from flooding. In particular, the development would conflict with Policy CC2 of the West Somerset Local Plan to 2032 (the Local Plan) which advocates use of the sequential approach to help mitigate flood risk. There would also be conflict with policy CC3, which seeks to limit development in locations that are vulnerable to rapid coastal erosion and hence flooding. Additionally, the proposal would conflict with Policy CC4 as it has not been demonstrated that there is a need to locate the proposed housing within the coastal zone.

Accessibility

11. For the purposes of development plan policy, I understand that the site is situated outside Minehead. Nonetheless, it is generally well related to the main built-up area of the town where I saw evidence of public transport links and local shops and services. Future occupants of the proposed dwelling would therefore have reasonable access to such facilities. I also note that Policy SC1 of the recently adopted Local Plan can support development that is well related to the existing built up area of Minehead. I therefore conclude on this issue that the site would provide a suitable location for housing having particular regard to its accessibility to local services.

Conclusion

12. I have found that the site would provide a suitable location for housing in terms of its accessibility. However, this does not outweigh the fact that the proposal would not comply with planning policies that seeks to steer new development away from areas at the highest risk from flooding.
13. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Colin Cresswell

INSPECTOR