
Appeal Decision

Site visit made on 17 January 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/Y2620/W/16/3159391

Street Farm, The Street, Horsey, Great Yarmouth, Norfolk NR29 4AD

- 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 Robin Buxton of Buxton Property Management against the decision of North Norfolk District Council.
 - The application Ref PF/15/1454, dated 30 September 2015, was refused by notice dated 13 May 2016.
 - The development proposed is a barn conversion to create a single 3 bedroom property with parking and storage facilities.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether the proposal accords with national and local planning policies concerning flood risk.

Reasons

3. The appeal building is a historic agricultural barn constructed in red brick with a thatched roof. The property includes a single storey wing at the rear which is within an enclosed yard. The site is within a group of buildings which form part of the small village of Horsey.
4. On the Environment Agency's flood risk map the site and its immediate surroundings are in Flood Zone 2 which has a medium probability of flooding. However this area is surrounded by land which has a high probability of flooding (Flood Zone 3a)¹. The Flood Risk Assessment states that climate change will increase the risk of flooding such that the site will be in Flood Zone 3a within 100 years.
5. The National Planning Policy Framework (the Framework)² requires the use of a Sequential Test to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in such areas. Paragraph 104 of the Framework provides that minor development and changes of use need not be subject to the Sequential Test. The proposal includes operational development in the form of a two storey side extension and other alterations including the erection of a car port to the rear. The

¹ Table 1 Planning Practice Guidance ID: 7-065-20140306

² NPPF paragraphs 100 and 101

proposal would increase the size of the building and so would not fall within the definition of minor development in the Planning Practice Guidance³. The appellant accepts that the proposal should be subject to the Sequential Test. This is also a requirement of policy EN10 of the North Norfolk Core Strategy (CS) (2008).

6. The Council's position is that there are other sites available for residential development in areas of lower flood risk and that on this basis the requirements of the Sequential Test are not met. The appellant argues that a pragmatic approach should be taken as set out in the Planning Practice Guidance⁴. The building is of traditional appearance and the Council considers it worthy of retention. It contributes positively to the character and appearance of the area which is part of an Area of Outstanding Natural Beauty. In as far as the proposal is specific to the site and that it would be of merit in preserving the building there would be no alternatives. However the proposal must also be considered on the basis that it would be a new dwelling and that there are likely to be other sites available in areas of lower flood risk for such development. For these reasons the proposal does not satisfy the requirements of the Sequential Test.
7. The Flood Risk Assessment states that the tidal flood level in a 1 in 200 year event would be 4.36m AOD taking into account climate change. This would be significantly higher than the proposed ground floor levels of 1.69m and 2.12m AOD which would provide the bulk of the habitable accommodation. The two first floor bedrooms would be above the flood level and would provide temporary refuge but the accommodation would be restricted.
8. The Environment Agency has no record of the site having flooded in the past. However there is no guarantee that the coastal defences would remain effective. In the shorter term without the effects of climate change the flood levels would be less but the occupants would still need to gain access and egress through an area at high flood risk. I take into account the various proposed measures to mitigate against flood risk including use of flood warning and evacuation procedures but for the reasons given I find that the development would not be adequately safe for its lifetime.
9. Policy EN10 of the CS restricts the types of development that can take place in Flood Zones 2 and 3a. The proposal would not fall within any of the stated categories. In particular it would be a 'more vulnerable' development as set out in the Planning Practice Guidance⁵ and the sequential test has not been passed. For the reasons given the proposal would not accord with local and national planning policies concerning flood risk.
10. I saw on my visit that other buildings near the site have been converted. However the circumstances of individual proposals vary as do the planning policies that are applicable when decisions are made. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

³ ID: 7-046-20140306

⁴ ID: 7-033-20140306

⁵ ID: 7-066-20140306