

Appeal Decision

Site visit made on 7 February 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/X2410/W/16/3160651

Mansfield Lodge, 102 Station Road, Quorn, Leicestershire LE12 8BS

- 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 D Gunningham against the decision of Charnwood Borough Council.
 - The application Ref P/14/2519/2, dated 23 December 2014, was refused by notice dated 11 April 2016.
 - The development proposed is described as 'proposed new dwelling'.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in the appeal is the effect of the proposal on flood risk, with particular regard to the requirement of the National Planning Policy Framework (the Framework) to carry out a sequential test.

Reasons

3. The appeal proposal is for the erection of a two-storey, detached four-bedroom dwelling with integral single garage.

Flood risk

4. The appellant has argued that the appeal site does not fall within Flood Zone 2. However, their Flood Risk Assessment (FRA)¹ confirms that the appeal site is located within Flood Zone 2 as shown on the Environment Agency's (EA) Flood Risk Map which assesses the probability of flooding as medium. Furthermore, the FRA confirms that the proposed use is classified as a more vulnerable use in the Flood Risk Vulnerability Classification as set out within national Planning Practice Guidance (the Guidance).
5. As set out in the Framework, the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. The overall aim should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, Local Planning Authorities determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2. The area the test should be applied to will be defined by local circumstances relating to the catchment area for the

¹ CDS Flood Risk Assessment Report October 2014

type of development and that a pragmatic approach should be taken to the availability of alternatives.

6. Whilst the appellant's FRA concludes that flood risk at the appeal site could be mitigated; there is no substantive evidence before me to demonstrate that there are no other available sites within the locality that could accommodate the proposed development within Flood Zone 1 or with a level of flood risk that would be below that identified for the appeal site. Consequently, without a detailed analysis of other sites, the submitted FRA does not provide a reasonable basis to conclude if there are sequentially preferable sites located within Flood Zone 1.
7. Having reached the conclusion above, I therefore find that the proposal would conflict with Policy CS16 of the Charnwood Local Plan Core Strategy (2006 to 2028). This policy seeks amongst other things to direct development to locations within the Borough at the lowest risk of flooding, applying the Sequential Test and if necessary, applying the Exception Test.

Other considerations

8. The appellant within their appeal statement raised the issue of the time taken by the Council to determine the original application. However, this is a matter of local government accountability and even if the decision had been reached in a shorter timescale, I have no evidence before me to suggest that the decision would have been different.

Conclusion

9. For the above reasons, and having carefully considered all other matters raised. I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR