

Appeal Decision

Site visit made on 14 February 2017

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/D0840/W/16/3163288

Primrose Dell, Polgooth, St Austell, Cornwall PL26 7BZ

- 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 P Clancy against the decision of Cornwall Council.
 - The application Ref PA16/05333, dated 1 June 2016, was refused by notice dated 25 July 2016.
 - The development proposed is erection of dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Restormel Borough Council Local Plan 2001 no longer forms part of the statutory development plan for the area. I have determined this appeal against the policies of the Cornwall Local Plan, which was formally adopted by the Council during the course of the appeal process.

Main Issue

3. The main issue whether the site provides a suitable location for the proposed development, having particular regard to the risk of flooding.

Reasons

4. The appeal site forms part of the existing garden of Primrose Dell, a detached dwelling within the village of Polgooth. It is proposed to construct a new house in the garden with associated vehicular access. In their correspondence dated 4 January 2017, the Environment Agency accept the findings of the revised Flood Risk Assessment (the FRA) and confirm that the majority of the site is within Flood Zone 1, with the south east corner being situated within Flood Zones 2 and 3. I have determined the appeal on this basis.
 5. In areas that are known to be at risk from flooding, the National Planning Policy Framework (the Framework) indicates that a 'sequential test' should be applied to proposals for development. It is stated that the overall purpose of the sequential test is to steer new development to areas with the lowest probability of flooding. In this case, the proposed driveway would cross the part of the site within Flood Zones 2 and 3 but the footprint of the dwelling itself would be situated entirely within Flood Zone 1. For this reason, the appellant argues that the sequential test is not applicable.
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6. Considering that the dwelling footprint would be confined to Flood Zone 1 and the FRA indicates that it would be possible to achieve safe pedestrian access and egress, the development would clearly present little risk to human life. Nonetheless, in an extreme flooding event substantial parts of the vehicular access would be submerged and potentially undermined or damaged as a result. Therefore in comparison to new developments that are situated entirely outside Flood Zones 2 and 3, the appeal proposal would represent an economic risk to property as well as potentially disrupting the living conditions of future occupiers. Hence, the appeal site as currently defined cannot be described as an optimal location for new development in terms of flood risk. I therefore concur with paragraph 8.4 of the FRA which indicates that the proposal should be subject to the sequential test.
7. The Planning Practice Guidance (the PPG) advises that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. It is suggested that this may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. In this particular case, the Council have conducted a sequential test based on the St Austell and Mevagissey Community Network Area (the CNA). This is the geographic area which is used to establish strategic housing targets within the Cornwall Local Plan (the Local Plan). Considering that the proposal is for open market housing development, this seems a reasonable approach given the advice contained within the PPG.
8. The Council conducted a sequential test when the application was originally assessed. Although references to housing for sale in the area are of little relevance to the sequential test exercise, three specific sites were identified within the CNA capable of accommodating a similar sized residential development to that being proposed in the current appeal. Nonetheless, I am mindful that the availability of housing sites is likely to vary over time.
9. In their Statement, the Council refer to the Local Plan Housing Implementation Strategy January 2016. This indicates a residual target of 300 dwellings within the CNA for the period up to 2030. From this target, 208 dwellings had already been completed and 63 had planning permission as of April 2015. Assuming that the existing planning permissions are implemented during the plan period, only a further 29 dwellings will need to be built on new sites before 2030 in order to meet the Local Plan residual housing target for the CNA.
10. This seems a likely prospect considering that the latest Strategic Housing Land Availability Assessment identifies potential windfall sites within the CNA capable of accommodating a total of 227 dwellings, even with a 30% discount. Furthermore, it is forecast that 120 windfalls will come forward on smaller sites based on rates of completion over the last 10 years. As such, there is a good chance that the 29 dwellings necessary to meet the CNA residual housing target will be exceeded before 2030. The Strategic Flood Risk Assessment anticipates that it will be possible to deliver this growth outside Flood Zones 2 and 3. This leads me to conclude that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Hence, the proposal would not pass the requirements of the sequential test. It therefore follows that I do not need to consider the provisions of the exceptions test.

11. As well as a historical planning permission for a dwelling on the appeal site that was unimplemented, the appellant points out that permission was more recently granted for a residential annexe. I am also referred to other housing approved by the Council in Polgooth which appears to have been constructed on land at risk of flooding. Whilst I am not aware of the full circumstances which led to these schemes gaining approval, I have determined the appeal proposal on its individual merits. Despite the location of the site within an established village, the Framework is clear that new development should be directed towards areas with the lowest probability of flooding.
12. I conclude that the site would not provide a suitable location for the proposed development. There would be conflict with Policy 26 of the Local Plan which indicates that development should be sited to avoid flood risk. For the above reasons, and having regard to all other matters raised, the appeal should therefore be dismissed.

Colin Cresswell

INSPECTOR