
Appeal Decision

Site visit made on 14 August 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 05 September 2017

Appeal Ref: APP/D2510/W/17/3174632

Land at Boston Road, Eastville, Lincolnshire PE22 8LJ

- 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 Mrs J King, Messrs P Arch & G Arch & Mrs M Johns against the decision of East Lindsey District Council.
 - The application Ref S/126/02371/16, dated 24 November 2016, was refused by notice dated 30 January 2017.
 - The development proposed is 3 residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved except for access. A sketch layout plan has been provided for indicative purposes only. I have considered the appeal on this basis.

Main Issue

3. The main issue in this case is whether or not the proposal would provide a suitable site for housing having regard to national and local planning policies relating to development in areas at risk of flooding.

Reasons

4. The appeal site forms part of a grassed field located in Eastville, close to the crossroads of the two villages of Eastville and New Leake. It lies within Flood Zone 3, as defined in the Environment Agency Flood Zone Maps, the zone at the highest risk of flooding.
5. The aim of the National Planning Policy Framework (the Framework) is to ensure that flood risk is not increased elsewhere by steering new development to areas with the lowest probability of flooding. It advises in paragraph 103 that development should only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA) following the Sequential Test and, if required the Exception Test, it can be demonstrated that ...*'development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to sustainable drainage systems.'*

6. Therefore only if no reasonably available sites are available in Zones 1 and 2 should the suitability of sites in Zone 3 be considered, again taking account of flood risk vulnerability, applying the exception test if required.
7. A Flood Risk Assessment was submitted with the original planning application which included a Sequential Test. This concluded that as the whole of the area around Eastville is in Flood Zone 3, it was extremely unlikely that an alternative site with a lower flood risk could be found in Eastville. It was therefore concluded that the sequential test was passed.
8. National Planning Practice Guidance (PPG) in paragraph 033 advises that in relation to individual planning applications, the area to apply the Sequential Test will be defined by local circumstances relating to the catchment for the type of development proposed. In this case, the submitted Flood Risk Assessment does not identify an appropriate catchment area where potential residential development could take place. Paragraph 034 of the PPG advises that a developer should justify with evidence to the local planning authority what area of search has been used when making the application. The submitted Sequential Test does not provide such an explanation.
9. I note from Saved Policy A3 of the East Lindsey Local Plan that main, medium and small villages are grouped together into catchments which support each other functionally. Stickney and Sibsey lie within the same catchment as the villages of Eastville and New Leake in the Southern Parishes. The Council advises that the sequential test should be applied on this basis. They have brought my attention to 2 other appeals¹ where the respective Inspectors agreed with this approach. I consider that this would form a more appropriate catchment area in this case.
10. In supporting information submitted with the appeal, the appellant makes reference to the catchment for the local school being an appropriate area to apply the Sequential Test. Paragraph 033 of the PPG acknowledges that this may be appropriate in certain cases however in others it may be appropriate to consider other local plan policies. Bearing in mind the rural nature of the area and the village catchment areas referred to above, I consider this to be the case here. I am advised by the Council that there are a number of sites with planning permission for residential development in Stickney located in Flood Zone 1, an area at the lowest risk of flooding.
11. The Council's Strategic Flood Risk Assessment shows that the appeal site is at risk of both fluvial and tidal flooding. In terms of tidal flooding, the site does not lie within the lowest hazard zone. I am advised by the Council that the potential development sites referred to above in Flood Zone 1, also lie outside any coastal flood hazard zone.
12. Therefore in light of the above, I conclude that the submitted Sequential Test is not acceptable to demonstrate that there are no other reasonable available sites for the proposed development in areas at lower risk of flooding. As the Sequential Test has failed it is not necessary for me to consider the Exception Test.
13. I acknowledge that the Environment Agency has not raised objection to the proposal and that the appellant has put forward mitigation measures to reduce

¹ APP/D2510/W/15/3030376 and APP/D2510/A/14/2215833

the risk of flooding including setting floor levels to a minimum of 1.45 metres AOD and incorporating flood resilient construction measures. However whilst this may give some reassurance and assist to reduce the potential flood risk, it does not satisfy the requirements of national planning policy.

14. I have borne in mind that the appeal site is located in the centre of the villages of Eastville and New Leake within walking distance of the local primary school. Additionally, the proposed dwellings would form an appropriate low density development that would contribute to the supply of housing in the borough. Furthermore future occupiers would support the village community.
15. Nonetheless, I conclude that it has not been adequately demonstrated that the proposed three dwellings could not be located in an area with a lower risk of flooding. The appeal proposal would therefore not provide a suitable site for housing. Consequently the development would be contrary to paragraphs 100, 101 and 102 of the Framework, which seek to direct development away from areas of highest flood risk.
16. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR