



Appeal Decision

Site visit made on 22 May 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/E3525/W/19/3221108

Land East of 1 Bury Road, Stanningfield IP29 4RS

- 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 Trevor Smith against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/18/1222/OUT, dated 23 June 2018, was refused by notice dated 6 December 2018.
 - The development proposed is described as "Outline planning application for affordable housing. The type of dwellings will be to match local need. The purpose of this application is to establish the principle of building affordable housing on the site".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was for outline permission with all matters reserved for later determination. The Application Form states that permission for nine houses is sought. Drawings showing the site location (Drawing SAH 01) and a sketch block plan (Drawing SAH 02) have been submitted with the application. For the purpose of this appeal I have taken the details shown on these drawings as indicative only. I have determined the appeal on this basis.
3. Further revisions have been made to the National Planning Policy Framework (the Framework) during the course of my consideration of the appeal and a revised version was published in February 2019. The changes to the Framework do not materially alter the policies within the Framework most relevant to this appeal.

Main Issues

4. The main issues are:
 - Whether the proposed development accords with local policies in regard to location: and,
 - The effect of the proposed development on flood risk.

Reasons

Local policy for the delivery of housing

5. Stanningfield is a village described in the St Edmundsbury Core Strategy, 2010, (the Core Strategy) as an 'Infill Village', which only has a limited range of services. The village retains a rural setting within open countryside.
6. There is no disagreement between the parties that the site lies outside the settlement boundary for Stanningfield as identified in the Core Strategy. It is therefore designated as countryside. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document, 2015, (the Local Plan) seeks to protect areas designated as countryside from unsustainable development, but allows for the development of affordable housing for local needs in accordance with other policies within the Local Plan, including Policy DM29 of the Local Plan. This permits rural affordable housing schemes adjoining but outside a housing settlement boundary.
7. However, such development must satisfy certain criteria, one of which requires that secure arrangements are made to ensure that initial and subsequent occupation of the dwellings can be restricted to those having an identified local need for affordable housing through the use of appropriate safeguards, including conditions or legal obligations.
8. Both parties refer to an Agreement under Section 106 of the Town and Country Planning Act (1990). In this case, whilst the appellant has stated a willingness to enter into such an agreement, no agreement has been submitted to accompany this appeal. The appellant also argues that discussions with a housing provider are ongoing, but there is nothing before me to substantiate this. Consequently, in the absence of such an agreement there would be no assurances that the scheme would deliver affordable housing.
9. Policy CS5 of the Core Strategy requires that the mix, size, type and tenure of affordable homes should meet the local identified housing need. This is an outline application and such details could be provided at the submission of reserved matters.
10. Nonetheless, I conclude that the development before me would not accord with local policies with regard to location, as it would be contrary to Policies DM5 of the Local Plan and CS5 of the Core Strategy, as outlined above.

Flood risk

11. There is no dispute between the main parties that the site forms a low point in the local topography. The appellant has submitted a site specific flood risk assessment (SSFRA). This identifies that the appeal site is in Flood Zone 1 for fluvial/tidal flooding, but in an area of high risk for surface water flooding. The SSFRA also identifies that there would be a risk of flood water accumulating on and around the site. Mitigation would include measures to divert runoff from the surrounding area, temporarily store water and minimise damage to the properties resulting from flooding.
12. However, the SSFRA notes that the underlying strata is inappropriate for infiltration. Moreover, the effect of intercepting and diverting the discharge from adjacent land on flooding elsewhere has not been assessed. Consequently, I am not convinced, from the evidence before me, that physical

measures to limit flood damage are an appropriate means of addressing flooding of dwellings. Nor is there anything before me to confirm that the measures proposed to protect this site would not cause or exacerbate flooding elsewhere.

13. I conclude that the appeal site would have an adverse effect on flood risk. This would be contrary to Policy DM6 of the Local Plan which requires development to show how on-site drainage would be managed so as not to cause or exacerbate flooding elsewhere. The proposal would also be contrary to the aims of Paragraph 155 of the Framework which requires that development should be directed away from areas at highest risk of flooding.

Other Matters

14. The appellant considers that the future tenure of the properties as affordable housing could be secured by a planning condition requiring completion of a Section 106 Agreement. Planning Practice Guidance advises that permission should not be granted subject to a positively-worded condition that requires the applicant to enter into a planning obligation and I have very limited information before me to justify an exception in this case.
15. I note that a SSFRA is not a validation requirement for an outline application and could have been the subject of a planning condition. Nevertheless, one has been provided and I have considered that information in reaching my conclusion.

Conclusion

16. For the reasons given above, and having taken into account all other matters raised, the appeal is dismissed.

I Dyer

INSPECTOR