The Planning Inspectorate

Appeal Decision

Site visit made on 14 November 2019

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/H0520/W/19/3234273
15 High Street, Brampton, Huntingdon PE28 4TG

- 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 Maxwell Roberts against the decision of Huntingdonshire District Council.
- The application Ref 18/01822/FUL, dated 28 August 2018, was refused by notice dated 21 June 2019.
- The development proposed is the creation of small luxury tourist accommodation.

Decision

1. The appeal is dismissed.

Main issues

2. The Council considers that the proposal would have no effect on the significance of 15 High Street, a Grade II Listed Building. I have no reason to disagree.

3. With that background I consider that there are two main issues in this case:

   - The effect of the proposal on the character and appearance of the Brampton Conservation Area
   - Whether the development would be at significant risk from flooding

Reasons

The effect on the Conservation Area

4. The appeal site is on an island located at the rear of the substantial garden of the host property. The island is reached by a short bridge, and is heavily wooded. The appeal site faces Brampton Brook on the far side of the island.

5. There is a wooden framework in the approximate location of the proposal. The Council suggests that this is not in the exact location of the intended structure, contrary to the appellant's position. Nothing turns on this point, as the entire island is undeveloped and very similar in character, and I could locate the proposed site on my visit.

6. The proposal is for tourist accommodation in the form of a self-supported raised timber structure. It would consist of a kitchen, living area, shower room and one bedroom with a terrace. It would be constructed and clad in timber,

with steps leading up to a raised balustrade. It would be located around 100m from the host property and about 50m from the nearest property.

7. The character of this part of the Conservation Area is notable for the fact that most properties sit alongside the highway, although there are a few smaller ancillary structures in rear gardens. In that respect the creation of a relatively substantial structure in this location would be out of keeping with this prevalent form of development.

8. However the design of the proposed cabin is entirely appropriate to its sylvan setting. I also recognise that views of the development, which would be entirely from private land, would be limited and to the extent that it could be glimpsed it would not appear as out of keeping with the area.

9. Overall, I conclude on this issue that the proposal would not harm the character and appearance of the Conservation Area, and that it would therefore be preserved. It would not conflict with policies LP23b/c (Tourism) and LP34 (Heritage Assets and their settings) of the Huntingdonshire Local Plan (LP) (2019).

Flood risk

10. The site is within the Environment Agency's flood zone 3b – functional floodplain[1]. There appears to be some dispute as to the exact category, but nothing turns on this as it is clearly in an area with a high probability of flooding.

11. The National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk. A site-specific Flood Risk Assessment (FRA) should be provided for all development in Flood Zone 3. The appellant has submitted a brief FRA however, given the nature of the proposal, sequential and exception tests should have been undertaken as appropriate.

12. Although I can well understand the potential attractiveness of the location for the appellant in terms of his ownership and for potential occupiers wishing to get away from it all, I do not consider this location to be suitable for a residential development. I appreciate that the intention is that the accommodation would be used as holiday accommodation, but the fact remains that people would be occupying the property, even if on a short-term basis.

13. I appreciate that the floor of the structure would be around 2.2 metres above ground level. However , were there to be flooding, the temporary residents would doubtless wish to leave – even assuming that the structure was stable. Although it is only a short distance to areas outside the flood risk zone, this would put them at risk and, if the flooding were more severe, could put the emergence services at risk.

14. There is no reason to doubt that the structure would be properly constructed, and it is obviously the case that it could be checked on a regular basis. However, with the best will in the world, it could be damaged by floodwater debris or by the water flow itself.

[1] And an SFRA flood zone

15. Overall, there is nothing to suggest that this type of development could not be more appropriately located in an area with a lower risk of flooding. The proposal would be at significant risk from flooding and would conflict with LP policy LP5 and the Framework.

Other matters

16. The appellant refers to the demand for tourist accommodation in general and the lack of comparable developments. I do not doubt the attractiveness of the proposal, but this cannot overcome the flooding issue.

17. Other developments have been referenced by the appellant. However little detail of those schemes or locations have been given so I cannot be certain how comparable they are to the current proposal. In any event, I have to deal with this appeal on its individual merits.

Planning balance and conclusion

18. Although I have concluded that the proposal would not harm the Conservation Area, this is essentially neutral in the balance. In any event, this matter and the demand for holiday accommodation, is substantially outweighed by the flooding issue.

19. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector