



Appeal Decision

Site visit made on 10 February 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/M2270/D/19/3239660

**Coggers Barn, The Broadway, Lamberhurst, Royal Tunbridge Wells
TN3 8DA**

- 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 & Mrs Speight against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/01722/FULL, dated 18 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed is the conversion of the existing 'Coach House' (incidental residential outbuildings) to the rear of Coggers Barn, into ancillary accommodation including a single storey extension to the rear of the building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is flood risk to the development.

Reasons

3. The appeal site is located within an Environment Agency Flood Zone 3 (a) in the village of Lamberhurst. Access to the site from 'The Broadway' is via a service road to the side of Coggers' Farm-House and Coggers Barn. On site the existing structure, known as the Coach House, has a barn like appearance with a rear and side extension. The Coach House and its loft space is currently used for storage associated with the residential dwelling of Coggers Barn. The rear of the Coach House is accessed to the right-hand side where a narrow path runs between the side extension and boundary before opening on to a relatively long garden. The rear boundary of the appeal site slopes down to the River Teise.
4. The proposal is to convert the existing incidental residential building into ancillary accommodation associated with Coggers Barn. The ground-floor would have an office, playroom, shower-room, utility room, gym/bike room, hallway, dining room and kitchen. The first-floor level would have a bedroom and bathroom.
5. The Environment Agency (EA) has indicated that the site is considered to be at high risk from flooding. As a minor development the proposal is not subject to the flood risk sequential and exceptions tests set out in Paragraphs 155-164 of the National Planning Policy Framework (the Framework).

6. However, as the proposal is for a householder development in Flood Zone 3 a site-specific flood risk assessment should be provided as indicated in Footnotes 50 and 51 of the Framework. Nonetheless, the appellant has submitted a statement of case and scheme drawings for consideration in this respect.
7. Notwithstanding that the submitted evidence demonstrates that the proposal would increase the finished floor levels of the building and include some flood resilience measures, such as raised piling under the rear extension and the inclusion of a first-floor bedroom, some areas adjacent the building are still below the estimated 1 in 100-year flood risk level that is associated with the site. As such, in the absence of a site-specific flood risk assessment, I can only conclude that the site is at high risk of flooding. Indeed, my opinion is reinforced by historic flood levels recorded on the site and in the context of climate change. Therefore, in combination with the intended use of the building, the proposal forms an unacceptable risk to life and/or property.
8. As such, the proposal would conflict with Policies EN1 and EN18 of the Tunbridge Wells Borough Local Plan 2006, and Core Policy 5 of the Tunbridge Wells Borough Core Strategy Development Plan Document 2010, which explain, amongst other things that development should provide practicable and effective flood protection and mitigation measures, and produce no negative effects on existing flood patterns. For similar reasons, the proposal does not align with Paragraph 155-164 of the Framework which requires that development is appropriately flood resistant and resilient.

Other Matters

9. I acknowledge that the principle of development on the site is acceptable to the Council, and that there is a relatively recent development nearby in Cliveden Court which is also adjacent to the River Teise. However, the nature of the Coach House is not readily comparable to the design and construction methods that would have been possible in Cliveden Court which may well achieve greater levels of flood resilience and mitigation. Moreover, whether the nearby scheme is an acceptable form of development or not, I cannot be certain if it was permitted under the current development plan.
10. I also give some limited weight to the potential 'fall-back' position related to the erection of a building for incidental use under permitted development rights. Nonetheless, the scheme before me is for ancillary accommodation that includes a bedroom that is at risk from flooding, and is therefore, very different to a building related to incidental use permissible in its place.
11. Therefore, as is correct, I have considered the proposal on the basis of its own planning merits.

Conclusion

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

J E JOLLY

INSPECTOR