



Appeal Decision

Site Visit made on 17 February 2021

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/Y3940/W/20/3262365

BT Repeater Station, Sutton Lane, Langley Burrell, Chippenham, SN15 4LW

- 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 Dariusz Pucilowski against the decision of Wiltshire Council.
 - The application Ref 20/05589/FUL, dated 6 July 2020, was refused by notice dated 27 August 2020.
 - The development proposed is Building conversion to holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site lies within a Flood Risk area. Given the absence of a site-specific flood risk assessment, I consider this to be the key issue in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on flood risk.

Reasons

4. The appeal site lies within the open countryside with a watercourse running through the site which connects to the Chissell Brook adjacent to the site which in turn feeds into the River Avon. The site is located within Flood Zones 2 and 3.
5. Paragraph 155 of 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 at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In accordance with Planning Practice Guidance the proposal for a holiday let would be classed as a more vulnerable use.
6. Paragraph 163 of the Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. The footnote to this paragraph states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.
7. I note the appellant's views regarding drainage and flood risk to the site, including land levels and history of flooding. I also acknowledge the proposal

that the building would be constructed in a flood resistant manner. However, in light of the Framework guidance on Flood risk, I place significant weight on the precautionary approach adopted. The site lies adjacent to a watercourse and there is no site-specific flood risk assessment before me. Consequently, there is no evidence to demonstrate that the proposal would be acceptable given the risk of flooding to the site considering the proposed vulnerable use.

8. Given the above, the proposal would be unacceptable with regard to flood risk. Accordingly, the proposal would be in conflict with Core Policies 57 and 67 of the Wiltshire Core Strategy (2015). Amongst other matters these policies seek that development in Flood Zone 2 and 3 should apply the sequential test in line with national policy and the development should ensure that appropriate levels of amenity are achievable within the development.
9. In addition, the proposal would conflict with Paragraph 163 of the Framework for the above reasons.

Other Matters

10. The Council's reasons for refusal also refer to the unacceptability of the location of the proposed development, impact on character and appearance, and impact on protected species. However, given the unacceptability of the proposal due to the significant risk of flooding, I do not consider that any of the other issues, even if favourable to the appellant's case, can carry significant weight to overcome the main issue.

Conclusion

11. For the above reasons, the appeal does not succeed.

S Thomas

INSPECTOR