
Appeal Decision

Site visit made on 9 March 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/K0235/W/3264516

Plot C, Water Lane, Renhold MK41 0JH

- 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 Peter Collins against the decision of Bedford Borough Council.
 - The application Ref 18/01390/FUL, dated 29 May 2018, was refused by notice dated 30 September 2020.
 - The development proposed is log cabin for recreational use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the location of the site in relation to services/facilities and;
 - whether the occupants would be at risk from flooding

Reasons

Location and accessibility

3. The appeal site is an area of predominately open grass and shrubs immediately adjacent to the River Ouse. There are several timber structures in the vicinity.
4. The site is off a long narrow and unmade track and within the countryside. The nearest village is Great Barford, approximately 2 miles away. Bedford is slightly further away.
5. Whilst the building would be used for leisure, it would also be likely to be used for overnight accommodation. Indeed, the submitted plans indicate a kitchen, sitting room, dining room and office/store, which would support overnight use.
6. The site is away from a main settlement. The users would be unlikely to walk to the cabin or go to services/facilities due to the distances involved and the connecting track is unlit. The track's surface would not be conducive to the abilities of most cyclists. The nearest bus stop is at the end of the track which would be a considerable walk for the start and return of a journey and I have not been given details to suggest that the service from that point would be good.

7. I acknowledge the suggestion in the appellant's statement that a leisure user is unlikely to use a car daily and take advantage of boating, cycling and walking but I do not accept these would be a widespread replacement.
8. The appellant's statement acknowledges the size of the cabin but suggests that the use can be conditioned. Whilst a condition could be imposed preventing permeant occupation and confirm use as holiday occupancy, it would still generate significant car use due to its location.
9. The Bedford River Valley Framework Plan promotes recreation in general which does not mean the construction of log cabins. Furthermore, this Plan includes Priory Country Park which is close to Bedford and more accessible than the appeal site.
10. I therefore conclude that the users would be heavily reliant upon the use of a private car for most journeys. Accordingly, the proposal would not be in an accessible location, leading to undue car use. The proposal would not be compatible with the need to minimise carbon emissions and address climate change.
11. Policy 3S of the Bedford Borough Local Plan (LP) stipulates development should be in sustainable locations. Policy 7S applies outside settlements and restricts development and the proposal would not be one of the listed exceptions. Policy 31 requires that particular attention is given to the extent to which the development can use public transport, cycling and walking to facilities. Whilst Policy 44 allows for some developments along the river, it does not justify the log cabin in this location. Similarly, Policy AD26 supports the Bedford River Valley Park but the policy promotes access and recreation and does not mention cabins. Paragraph 8 of the National Planning Policy Framework (the Framework) states that the planning system has three overarching objectives. The environmental objective emphasises the need for low carbon and tackle climate change. The proposal would be contrary to the above policies.

Flood risk

12. The site is partly within zone 3 and partly zone 2. A Flood Risk Assessment (FRA) has been submitted which concludes the site is unlikely to flood except in extreme conditions.
13. Within these zones 2 and 3, a sequential test (ST) applies which aims to steer development to the lowest area of flood risk, zone 1.
14. The FRA suggests that the cabin here would be better than elsewhere as high floor levels could be achieved. However, the ST requires clear demonstration that facilities are not available in areas of lower flood risk, unless there is an overriding sustainability reason for that location. Whilst the proposal may help enjoyment of the riverside, it is not essential to allow leisure/recreation of the river as facilities and access are available elsewhere.
15. I therefore conclude that the ST is not met. The next stage would be the exception test (ET) but that only applies if the ST is not met.
16. I note the lack of an objection from the Environment Agency but the decision of the ST is not their responsibility as confirmed in the Planning Practice Guidance Flood risk and coastal change.

17. Whether the Environment Agency historic flood outline does overestimate the flood area is not clearly established. I note the photographs of the December 2020 floods which tested evacuation and the flood water did not reach the intended floor levels, but that is one incident and does not prove that flooding will not be different at other times. Similarly, a condition could be imposed limiting the use to March- October, however flooding could happen at any time of year.
18. The FRA suggests that there is a means of escape to higher ground, but that assumes that the occupants would be able to evacuate the building in time. It also does not avert the need to pass the ST. There is also the risk of diverting the emergency services from their needs elsewhere at pressing times.
19. Whilst a void could be maintained underneath the building, the planning system is orientated to prevent any problem arising by locating proposals away from an area of risk. I also note the possibility of a condition to control the creation of hard surfaces, but the site is currently permeable and without any structures which would impede the flow of flood water.
20. I therefore conclude that the occupants would be at risk from flooding.
21. Policy 92 of the LP directs development to the lowest risk of flooding by advocating the use of the ST. The Framework paragraph 158 confirms the aim of the ST is to steer development to areas of the lowest flood risk, and that an ET is used only if the ST is met. The proposal would be in conflict with the above policies.

Conclusion

22. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR