



Appeal Decision

Site visit made on 20 December 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/U1105/W/21/3281632

Green Gates, Littletown Villas, Off Manor Crescent, Honiton, Devon EX14 2EQ

- 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 Julian Gigg against the decision of East Devon District Council.
- The application Ref 20/0003/FUL, dated 5 February 2020, was refused by notice dated 30 March 2021.
- The development proposed is construction of timber framed shed.

Decision

1. The appeal is allowed and planning permission is granted for construction of timber framed shed at Green Gates, Littletown Villas, Off Manor Crescent, Honiton, Devon EX14 2EQ under the terms of the application Ref: 20/0003/FUL, dated 5 February 2020, and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1C (amended) Location Plan, 2 C (amended) Proposed Site Plan, 3 C (amended) Combined Plans, 4 C (amended) Proposed Elevation, 1B Location Plan.
 - 3) Development shall not commence until surface water drainage works have been carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The drainage system shall be retained thereafter in accordance with the agreed details.

Main Issue

2. The main issue is whether or not the site is a suitable location for the shed with reference to flood risk.

Reasons

3. The site is a plot of open land bound by housing and garaging. A brook passes through its south and west extents within a fairly deep gully. The rest of the site is a flat area of grassland, which I understand has been raised, and is in places retained above the brook by walling. The Environment Agency (EA) flood mapping shows the brook and its environs to be within Flood Zones 2 and 3 (the FZs). It indicates that the FZs also cut partly across the raised grassland area and that, given its proposed siting, the shed would be part within the FZs.
4. However, I note that this mapping has not been based on topographical surveys, but rather aerial photography. The grass area is actually around 2.7m above the

brook, and the land to the west of the site, in the grounds of Littleton House, is lower than that and slopes down away from the watercourse. It seems to me therefore that this adjacent land, and not the shed, would be more likely to be vulnerable to flooding if a fluvial flood event were to occur.

5. These circumstances cast some doubt in my mind about the veracity of the EA mapping in this case, and instead draw the conclusion that the shed would not be at risk of flooding. As such, the Sequential Test should not be applied.
6. Accordingly, I conclude that the site would be a suitable location for the shed with reference to flood risk. The proposal would accord with the relevant aims of Policy EN21 of the East Devon Local Plan 2013-2031 (adopted 2016) and the National Planning Policy Framework.

Other Matters

7. The site is within the setting of the Grade II listed building Littleton House and I have a duty to consider the effect of the proposal upon it. Given the limited intervisibility due to intervening trees and vegetation, the shed would not harm the significance of the listed building which derives from its setting.
8. Whilst I note the concerns raised by interested parties about land ownership and access rights, these matters are not germane to my assessment, which is focused on the planning merits of the proposal. The site has previously been used as a play area, but I am not aware of it having any formalised recreation use secured by a condition or planning agreement. Likewise, notwithstanding the application form, the site is not an allotment by my comprehension of the term. Comments have been made about the accuracy of the plans, but I understand that this has arisen due to an issue with the relevant software. The use and relative size of the building has been questioned, but I am not aware of any policy requirement for these matters to be justified at this location.

Conditions

9. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interest of certainty. A condition is also necessary to ensure that surface water runoff from the shed is managed in order to obviate the potential for flood risk to be increased elsewhere. Given the nature of this issue, it is necessary for the condition to require drainage details prior to the commencement of development. Given my findings in relation to flood risk, it is not necessary for the flood risk measures set out in the appellant's Flood Risk Assessment to be incorporated into the build.

Conclusion

10. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR