



Appeal Decision

Site visit made on 11 January 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2022

Appeal Ref: APP/L2630/W/21/3269396

Units at Orchard Farm, Low Road, Haddiscoe NR14 6PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Alan & Stan Edwards against the decision of South Norfolk District Council.
 - The application Ref 2020/1632, dated 19 August 2020, was refused by notice dated 13 November 2020.
 - The development proposed is a "notification for Prior Approval for a proposed change of use and associated building works of an agricultural building to a dwellinghouse (QA and QB)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application submitted pursuant to Class Q.(a) and (b) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Class Q.(a) permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. In addition, Class Q.(b) permits building operations reasonably necessary to convert the building.
3. Paragraph Q.2.(1) states that where development is proposed under Class Q.(a) together with development under Class Q.(b), as in this instance, development is permitted subject to the condition that before beginning the development, the developer must apply to the Council for a determination as to whether the prior approval of the authority will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination risks, (d) flooding risks, (e) location or siting, (f) the design and external appearance of the building, and (g) the provision of adequate natural light in all habitable rooms.
4. There is no dispute that the proposal meets the limitations and requirements set out in Class Q, paragraphs Q.1(a) to (m). However, the Council refused the application for prior approval on the basis that, in its view, the siting of the building is such that it is undesirable for it to change use to a dwelling. In doing so, the Council consider that the proposal does not comply with paragraph Q.2.(1)(d) and (e). I have dealt with the appeal on that basis.

Main Issue

5. Having regard to the above, the main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q.2.(1)(d) and (e) of the GPDO, with particular reference to flood risk and whether the location of the building makes it undesirable having particular regard to the living conditions of future occupiers of the proposed dwelling and noise and disturbance.

Reasons

Flood Risk

6. The appeal site is located in Flood Zone 3a as identified on the Environment Agency's (EA) Flood Zone Maps. The change of use of the building to a dwelling would classify the development as 'more vulnerable' and to this end, paragraphs 167 and 168, along with Footnote 55, of the National Planning Policy Framework (the Framework) require a site-specific Flood Risk Assessment (FRA) to be provided for all development in Flood Zone 2 and Flood Zone 3.
7. The appellant provided an FRA with the planning application, which the EA considered and maintain an objection to. It commented that the proposed buildings would flood internally to some 1.72 - 1.85m in depth and would be unsafe for occupants. Moreover, the EA confirm that the site access would flood to similar depths.
8. The appellant's FRA realises these matters and offers to place the majority of the living accommodation on the first floor and introduce flood resilience measures so that flood waters can enter the building. Although I accept that resilience measures could be used, I have not been provided with any details of how they would be introduced into the building. Furthermore, although matters relating to a water entry strategy could be the subject of a suitably worded condition, as the EA state, the appellant has failed to demonstrate that the building itself would be able to withstand the pressures and forces associated with flood waters.
9. Furthermore, although the FRA states that the EA "*aim to provide up to 12 hours' notice before the issue of a flood warning*", it recognises that it would be for the occupants to make a judgment themselves with regard to the flood hazard and not rely upon the emergency services. However, as the EA state, the FRA does not provide a safe or dry evacuation route during a worst case scenario and acknowledges that safe access and egress to the site cannot be guaranteed.
10. Consequently, as the access to the site would be the subject of the same flood levels, it is highly possible that during such an event vehicles will have difficulty accessing and leaving the site. This represents a real and dangerous possibility that occupiers of the dwelling may not be able to leave the building and emergency vehicles would not be able to reach them either.
11. Furthermore, whilst the appellant has provided details of a 'Flood Kit' which should contain items as listed therein, I have no details to demonstrate that

the important considerations for flood warning and evacuation plans, as detailed within the Planning Practice Guidance¹, have been taken into account.

12. Therefore, I cannot be certain that the building would be safe from flood risk, which coupled with the absence of an adequate evacuation plan, leads me to conclude that the development would be at risk from flooding. I must therefore find that the proposal is not acceptable in respect of matter (d) flood risk on the site, of paragraph Q.2.(1) of the GPDO.

Location of the Development

13. The site lies within a small cluster of buildings that were previously used as a mushroom farm. At the time of my visit, some of the buildings at the site were being used to store portable toilets. Several vehicles, including vans, were also parked within the site.
14. Although I acknowledge that the use of the adjoining land as a mushroom farm could indeed resume and that the appeal site shares it access, there is nothing before me to demonstrate that such a use need be harmful in terms of noise and disturbance. It is not uncommon for dwellings in the countryside to be located close to rural uses, such as farms, and for both to coexist without undue concern. Moreover, the appellant has agreed to demolish those buildings that are closest to the proposed dwelling, thereby removing the potential for noise from that particular source.
15. Therefore, I am satisfied that the site is within an appropriate location for the development and would be acceptable in this respect having regard to matter (e) of paragraph Q.2.(1) of the GPDO.

Conclusion

16. I have found the proposal would not meet the conditions of paragraphs Q.2 and W.(3) of the GPDO in respect of flood risk on the site. Prior approval is required for this matter and I have found, based on the evidence before me, that it should not be granted. The proposal is not therefore permitted development and the appeal should be dismissed.

Graham Wyatt

INSPECTOR

¹ Paragraph: 057 Reference ID:7-057-20140306 Revision Date: 06 03 2014