
Appeal Decision

Site visit made on 22 February 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/H0520/W/21/3277240

Land south of 10 Greenfields, St Ives PE27 5HB

- 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 S D Construction and Developments against the decision of Huntingdonshire District Council.
 - The application Ref 18/02603/FUL, dated 3 December 2018, was refused by notice dated 17 December 2020.
 - The development proposed is Erection of 4 affordable houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is suitable for the development proposed, having regard to flood risk.

Reasons

3. Based on the evidence before me, the appeal site is located within Flood Zone 3. Accordingly, it has a high probability of flooding. The National Planning Policy Framework (the Framework) is clear in its requirements regarding flood risk, and states at Paragraph 159 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 161 of the Framework goes on to state that all plans should apply a sequential, risk-based approach to the location of development, so as to avoid, where possible, flood risk to people and property. Due to the location of the appeal site, and its associated risk of flooding, the sequential test must be applied.
4. Paragraph 162 of the Framework states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It goes on to state that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
5. The evidence before me demonstrates that the appellant has carried out a detailed sequential test in accordance with the Council's Supplementary Planning Document. Their conclusion is that due to the nature of the development, there are no sequentially preferable sites for the development proposed. The Council have arrived at a different conclusion, suggesting that other sites as well as the consistent delivery of windfall sites means that the

four affordable houses proposed could realistically be delivered in less flood sensitive locations.

6. I find neither sides evidence particularly compelling. However, if I were to agree with the appellant's conclusion on the sequential test, due to the vulnerability of the proposed use, and its location within flood zone 3, it would still be necessary to apply the exception test. To pass the exception test, it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
7. The proposal would provide four affordable houses, and the appellant is content for this matter to be secured by way of a suitably worded planning condition. This weighs in favour of the proposal and due to the local need for affordable housing, it would provide some sustainability benefits to the community. I also note that the evidence suggests that the site did not flood in December 2020 due to the success of existing flood defences.
8. However, even if the site is protected, development behind such defences still has a residual risk of flooding and puts greater reliance on the defence itself. Accordingly, I am satisfied that the presence of flood defences does not lend support to development in such a high risk location. Accordingly, I find that the provision of affordable housing would not outweigh the flood risk. On this basis, had I agreed with the appellant regarding their findings of the sequential test, the proposal would not comply with the requirements of the exception test.
9. Had I agreed with the Council regarding the sequential test, the overall outcome would be the same and development of the site would not be forthcoming. Consequently, for the reasons identified above, having regard to flood risk, I conclude that the appeal site would not be suitable for the development proposed. It would therefore fail to comply with the requirements of Policy LP5 of Huntingdonshire's Local Plan to 2036 (2019) which relates to flood risk.

Conclusion

10. The appeal should be dismissed.

Martin Chandler

INSPECTOR