



Appeal Decision

Site visit made on 3 May 2022

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/D2510/W/21/3283247

Golf Cottage, Frithville Road, Sibsey PE22 0SY

- 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 and Mrs Gearing against the decision of East Lindsey District Council.
 - The application Ref S/152/01898/20, dated 9 October 2020, was refused by notice dated 28 June 2021.
 - The development proposed is a 3 bedroom dwelling and double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As part of their appeal statement the appellants propose the removal of the double garage referred to above in the description of development. The Council has had the opportunity to comment on that. Given the amendment removes a structure, then I consider that no one would be prejudiced if I were to consider the proposal on that basis.

Main Issue

3. The main issue is whether or not the appeal site is an appropriate location for a dwelling with particular regard to flood risk.

Reasons

4. Policy SP3 of the East Lindsey Local Plan Core Strategy 2018 (the Local Plan) allows housing on windfall sites in large villages such as Sibsey within the developed footprint and in an appropriate location. An appropriate location is defined as a location which does not conflict, when taken as a whole, with national policy or policies in the Local Plan.
5. The appeal site is in Flood Risk Zone 3 (FRZ3) with the risk being both fluvial and tidal. The Environment Agency advises it is also within the Danger for some Zone of its Coastal Flood Hazard zoning. Sibsey is not included in Policy SP17 of the Local Plan as a settlement subject to the Council's Coastal Flood Hazard policies. However, Policy SP18 regarding coastal housing applies not only to listed settlements but also to areas in the Environment Agency's Coastal Hazard zones which would include the appeal site.
6. Policy SP18 is predicated on the Council's Coastal Study which recommended that housing should be limited to only the amount required to maintain the existing population and not include strategic housing growth. While there is

therefore an allowance for some housing growth in accessible locations such as Sibsey, this is restricted in accordance with the criteria of the policy.

7. The appeal site forms part of the garden of Golf Cottage containing an outbuilding and shed. At the time of my site visit all were in good order and the site did not appear disused or the buildings damaged and causing unacceptable harm. There is no evidence before me to suggest that the site has been actively marketed for either a community, economic or leisure use or that the site is not viable for such a use. Therefore, three of the four criteria of part 2 of Policy SP18 have not been met.
8. The appellant considers that the site is brownfield. Annex 2 of the National Planning Policy Framework (the Framework) defines previously developed land as that which is or was occupied by a permanent structure, including the curtilage of the developed land. However, this excludes land in built up areas such as residential gardens. There is no dispute that Golf Cottage is within the built up area of Sibsey being within its continuous footprint. Furthermore, while the buildings are substantial, they do not cover the majority of the site and from my observations on site form an integral part of the garden. I therefore conclude that the appeal site is not brownfield land. Even if it were, I have found that the other three criteria of part 2 of Policy SP18 have not been met, bringing the proposal into conflict with that policy as a whole, even though parts 3 and 4 are met regarding no ground floor accommodation and the submission of acceptable flood mitigation.
9. As the appeal site is within FZ3 the Framework requires the application of the sequential test to steer development to areas with the lowest risk of flooding. The Council suggest that in this instance the area of search be restricted to Sibsey, and I see no reason to disagree. The appellants sequential test is limited to a trawl of the internet on 24 July 2020 that revealed that no land for the erection of a single dwelling was for sale in the village of Sibsey.
10. Even if I were to accept that and move to the exception test, I am not convinced that a single dwelling would provide wider sustainability benefits to the community to outweigh the flood risk. Although the dwelling would be located in an accessible location and future occupiers would contribute to the local economy the benefits to the community associated with one dwelling would be small. I appreciate that the dwelling is to provide accommodation so that the appellants can provide care and support for parents. However, that may not always be the case, and I have been provide with no substantive evidence to demonstrate that this could not be provided in a way that would comply with flood risk policy. Therefore, although the second part of the exception test would be met through the comprehensive flood risk assessment submitted by the appellants, as a whole the development would fail the exception test even if I were to accept the sequential test was adequate.
11. While the confirmation from the Environment Agency that the appeal site has never flooded is noted, that does not guarantee that the site would not flood in the future. Given the removal of the garage from the proposal, the new dwelling would have a smaller footprint than the existing structures on site. As a result, the appellants are of the view that water would not be displaced as a result of the new building and there would be no loss of floodplain. While that may be the case, the proposal would result in an additional dwelling within FZ3

and the Coastal Flood Hazard Zone, where policy restricts further dwellings subject to criteria which are not met by this proposal.

12. For the reasons above, I conclude that the appeal site is not an appropriate location for a dwelling with particular regard to flood risk. The proposal would therefore be contrary to Policy SP18 of the Local Plan. Given that conflict, the appeal site would also not be an appropriate location as defined by Policy SP3 of the Local Plan.
13. The Council also refers to Policy SP2 of the Local Plan in its reason for refusal. However, this is a general decision making policy, the contents of which I have followed in my planning balance and conclusion. It has not therefore been determinative in this main issue.

Planning Balance and Conclusion

14. The proposal would provide a dwelling within an accessible location providing limited economic and social benefits. There is no doubt in this respect the proposal would accord with many policies of the Local Plan and the Framework as identified by the appellants. However, the location of the development brings it into fundamental conflict with Policies SP3 and SP18 and the development plan as a whole given they are part of the Council's growth strategy.
15. The benefits of the proposal are not sufficient in this case to outweigh the harm I have identified and the conflict with the development plan. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR