
Appeal Decision

Site visit made on 1 August 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/Y3805/W/21/3282362

71 Beach Road, Littlehampton BN17 5JH

- 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 Dr Chelliah Chandrarajan against the decision of Arun District Council.
 - The application Ref LU/76/21/PL, dated 16 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is for a change of use from single dwelling to 3 x 2 bedroom flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name is spelt differently on the application and appeal forms. I have used the spelling given in the latter form. I have also taken the description of development from the appeal form as it is more accurate.

Main Issue

3. The main issue is whether occupants of the proposed development would be safe in the event of a flood.

Reasons

4. The property lies within Flood Zone 3 as defined on the Environment Agency's Flood Map for Planning. Within this area, Policy W DM2 of the Arun Local Plan 2011-2031 (adopted July 2018) (the 'Local Plan') requires new development to comply with a number of criteria aimed at reducing the risk of flooding. These criteria are consistent with the approach taken in the National Planning Policy Framework (the 'Framework').
5. Neither a sequential test nor an exception test needs to be applied for applications for change of use such as that proposed¹. However, there is a need for the proposal to be supported by a site-specific flood-risk assessment². No such assessment has been submitted with the application or appeal.
6. A flood risk assessment is important in determining that the building, once converted, is as flood resistant and resilient as it can be such that, in the event of a flood, it could be quickly brought back into use without significant

¹ Paragraph 168 of the Framework

² Paragraph 167 of the Framework

refurbishment. It should also be able to be demonstrated that any residual risk can be safely managed, and safe access and escape routes are included where appropriate as part of an agreed emergency plan. The assessment would also need to take climate change into account, and how this might change the risk of flooding in the future.

7. Because the building is an existing residential dwelling, there are likely to be limitations as to how much it could be made more flood resistant. However, practical measures, for example flood warning and evacuation plans, would help mitigate flood risk to all occupants, and there may be some adaptations, particularly to the ground floor, that would enable it to be reoccupied quicker after a flood event than if they were not present.
8. I acknowledge that there are other houses and flats in the immediate vicinity which may not have such adaptations, but their location in an area at risk of flooding is historic, as are the previous uses of the building as a guest house, and, according to the appellant, before that as flats. Nowadays, it is necessary to take appropriate action to reduce the risk of flooding in new development including, as in this case, the change of use of an existing building.
9. Without a flood-risk assessment there is insufficient information for me to determine whether the proposed change of use is as resistant and resilient to flooding as it could reasonably be made. Consequently, I am unable to conclude that future occupants would be safe in the event of a flood. The proposed change of use would therefore conflict with Policy W DM2 of the Local Plan, which seeks to reduce flood risk.

Conclusion

10. I conclude that the development would conflict with the development plan, and consequently the appeal should be dismissed.

Guy Davies

INSPECTOR