



Appeal Decision

Site visit made on 20 October 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/11/2022

Appeal Ref: APP/E2530/W/22/3297530

Hazeldene, 3 Greatford Road, Baston PE6 9NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Leishman against the decision of South Kesteven District Council.
 - The application Ref S21/1924, dated 14 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is outline application for the demolition of existing bungalow and erection of 2 dwellings. All matters reserved except access, layout and scale.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area.
 - Whether the proposal would comply with national and local planning policy which seeks to steer new development away from areas at highest risk of flooding.

Reasons

Character and Appearance

3. The appeal site is a bungalow and garden in a residential area in the village of Baston. Properties on the same side of the road as the site share a linear pattern and comprise a mix of single storey and 2 storey dwellings.
4. Whilst the proposed 2 storey dwelling to the front of the site would be in keeping with neighbouring properties, the proposed backland development would be out of character with other development on that side of the road, irrespective of any examples of backland development on the opposite side of the road. Contrary to the view of the appellant, I do not think that the presence of Matby Close would make the development acceptable, particularly as the development would be served by Greatford Road and therefore have no visual relationship to the cul de sac to the rear.
5. The proposed scale and height of the backland dwelling may be comparable to other dwellings in the vicinity but it would not be in keeping with that part of

the road in terms of location and therefore would create an incongruous addition.

6. The appellant has made reference to other backland development in the settlement and wider district in support of their case. However, they are in different locations and so the circumstances are not directly comparable. In any event, each case is determined on its own merits and my assessment is based on the information before me.
7. The proposal would harm the character and appearance of the area and as such would conflict with Policy SP3 and Policy DE1 of the South Kesteven Local Plan 2011-2036 (Local Plan). Amongst other things, these policies support infill development where it is in keeping with the character of the area and is sensitive to the setting of adjacent properties and where the development would make a positive contribution to the character of the area and not have an adverse impact on the streetscene or settlement pattern.

Flood Risk

8. Part of the site falls within flood zone 3 and so is at a high risk of fluvial flooding. Paragraph 159 of the National Planning Policy Framework (NPPF) says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 162 of the NPPF states that the aim of the sequential approach test is to steer development to areas with the lowest risk of flooding. Development should not be permitted in an area of high flood risk if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 163 goes on to say that the Exceptions Test may have to be applied if it is not possible for development to be located in areas with lower flood risk and that this test should be informed by a site specific Flood Risk Assessment.
9. The Planning Practice Guidance advises that in undertaking a Flood Risk Assessment developers should contact the Local Planning Authority to identify a search area for available alternative sites suitable for development. On the evidence before me this was not undertaken with the Council consequently identifying that the search area used in the sequential test was too narrow. Whilst other nearby settlements such as Bourne and Deeping may have a different character to Baston, it has nevertheless not been demonstrated that there are not sites at lower risk of flooding in those or other locations irrespective of whether only part of the appeal site falls within flood zone 3.
10. In the absence of sufficient information relating to the sequential test I cannot reach a conclusion that there are not reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding and that the sequential test has been satisfied. As the sequential test has not been passed, it is not necessary for me to consider the application of the Exceptions Test.
11. The proposed development is not acceptable in terms of the risk of flooding and therefore would conflict with the part of Policy EN5 of the Local Plan which identifies that development should be located in the lowest areas of flood risk. It would also conflict with the relevant identified parts of the NPPF.

Other Matters

12. The appellant identifies that the development would support the local economy and contribute towards meeting housing need. However, given the scale of the development the contribution would be minimal and would not outweigh the harm identified. Similarly, whilst there may be no harm from the proposal to the living conditions of neighbouring occupiers and the development has not generated any highway concerns, this would not outweigh the harm identified.

Conclusion

13. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR