



Appeal Decision

Site visit made on 27 March 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 APRIL 2023

Appeal Ref: APP/D2510/W/22/3307129

32 Everingtons Lane, Skegness PE25 1HN

- 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 Mrs Joanne Hayes against the decision of East Lindsey District Council.
 - The application Ref S/153/01307/22, dated 4 July 2022, was refused by notice dated 6 September 2022.
 - The development proposed is an outline application for 1no dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline form with all matters reserved. I have therefore treated the details shown on the submitted drawings as being for illustrative purposes only.

Main Issue

3. The main issue is whether the site is a suitable location for a new dwelling having regard to flood risk.

Reasons

4. The appeal site is located on the edge of Skegness, which is defined by the East Lindsey Local Plan Core Strategy (July 2018) (CS) as a town, located within the Coastal Zone. Environment Agency flood risk maps identify the site as falling within an area categorised as Flood Zone 3a (high probability) and hazard maps identify the site as being in an area of Danger for Most, in the event of a flood.
5. Policy SP3 of the CS restricts housing growth in the Coastal Zone to existing commitments and to the exceptions set out in Policies SP18, SP8 or SP9. Policies SP8 and SP9 relate to rural and affordable exceptions and as such are not relevant to this proposal for an open market dwelling.
6. Policy SP18 sets out the limited circumstances in which planning applications for new open market housing will be supported in towns within the Coastal Zone. These include: 1) improved schemes on sites with planning permission that do not increase the number of new homes, 2) re-development of brownfield sites that are causing unacceptable harm and where it has been demonstrated that the site has been actively marketed for non-residential

- uses, and is not viable for community, economic or leisure use, and 3) specialist forms of housing for which there is an evidenced local need.
7. The appeal site does not benefit from any extant planning permission. As it is garden land, in a built-up area, it would not fall within the definition of a brownfield site and even if it did, it is not causing unacceptable harm. The proposed dwelling would not be a specialist form of housing for which an identified local need has been demonstrated. Consequently, the proposal would not meet the criteria for new housing in the Coastal Zone.
 8. Policy SP17(4) of the CS, requires new development in Coastal Areas to demonstrate that it satisfies the sequential and exception tests set out in the National Planning Policy Framework (the Framework). Although a basic flood risk assessment has been submitted, this does not meet the requirements sets out in national Planning Practice Guidance (the PPG). Moreover, as no information has been submitted to satisfy the sequential or exception tests, both of these are failed.
 9. I therefore conclude that the appeal site is not an appropriate location for a dwelling with regard to flood risk. The proposal would be contrary to Policies SP3, SP17 and SP18 of the CS, which seek to ensure new housing growth is focussed in the areas at lowest risk of flooding, except in limited circumstances, none of which apply in this case. The proposal would also conflict with paragraphs 159, 162 to 165 and 167 of the Framework, which seek to steer development to the areas at lowest risk of flooding and require proposals for housing in flood zone 3a to pass the sequential and exception tests.
 10. The council's decision notice also refers to Policy SP2 of the CS. As this is a general decision-making policy, reflecting the presumption in favour of development set out in the Framework, the proposal would not directly conflict with it.

Other Matters

11. I acknowledge that the proposal, being for only one dwelling, is very small. However, the same policy requirements apply to all dwellings in high flood risk areas.
12. Reference has been made to planning permission being granted for five dwellings, and for a subsequent amendment to that scheme, subject to a condition relating to floor levels. It would appear from the limited information provided that the original planning permission referred to pre-dates the 2018 CS and that it was subsequently amended, which is one of the exceptions set out in CS Policy SP18.
13. As I have not been provided with any details of the other larger developments that have been granted planning permission in the Coastal Zone, I am unaware of the circumstances surrounding them and unable to make any comparison.
14. My attention has been drawn to the fact that planning permission has been granted for the siting of 10 caravans on an adjacent parcel of land. I have not been provided with any details of this planning permission, but observed during my site visit that the grass field to the rear of the site has electric hook up points. I also acknowledge that there are a substantial number of holiday and caravan sites in the area. However, as tourism development is supported by

the relevant planning policies and residential development is not, this would not weigh in favour of the proposal currently before me.

15. Although the submitted flood risk report identifies the site as being at low risk, this has not been produced in accordance with the PPG, or standing advice published by the Environment Agency, and it does not reflect the most up to date Environment Agency flood maps, which planning policies and decisions are based upon.

Conclusion

16. For the reasons given above and having had regard to all issues raised, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR