



Appeal Decision

Site visit made on 1 June 2023

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2023

Appeal Ref: APP/N2535/W/23/3315863

High Street, Newton on Trent, Gainsborough, Lincolnshire, LN1 2JP

- 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 Gina Mettam against the decision of West Lindsey District Council.
 - The application Ref 145781, dated 25 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is erection of 5 no. dwellings and 1 no. substitute dwelling in lieu of existing approval, including new shared access drive and parking and an upgrade of existing access onto A1133.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's decision notice refers to policies LP2, LP4 and LP14 within Central Lincolnshire Local Plan – Adopted April 2017, however I note that a new local plan was adopted in April 2023. I shall deal below with the appeal on the basis of the latest adopted policies considering whether there have been any material changes to the aims of these policies where necessary.

Main Issues

3. The main issues are whether the proposal would:
 - i) result in unacceptable flood risk; and
 - ii) provide an appropriate location for the proposal having regard to the Council's spatial strategy and the character and appearance of the surrounding area.

Reasons

Flood risk

4. National planning policy aims to direct housing to areas at least risk of flooding. The appeal site is located in a medium flood risk area (Flood Zone 2) and therefore housing development such as this must pass a sequential test.
5. Planning Practice Guidance (PPG) at paragraph 23, explicitly states firstly, that the sequential test "means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding", and secondly, that "Even where a flood risk assessment shows the development can be made safe

throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.” This advice is reflected in policy S21 of the 2023 Plan.

6. From the information before me it appears that the appellant has carried out a Flood Risk Assessment which identifies the level of risk of flood from various sources and recommends various flood protection measures, but no sequential test has been carried out. I appreciate that the area is protected by flood defences, but that does not change the fact that site is in Flood Zone 2 and as such a sequential test must be carried out.
7. On this basis alone the appeal must fail as it is in direct conflict with the advice in PPG and the Framework. It also fails to accord with LP policy S21 in so far as it seeks to restrict development where flood risk would be unacceptable and requires development proposals to have regard to the requirements of the flood risk sequential test as set out in national planning policy guidance.

Spatial strategy and character and appearance

8. Newton on Trent is classified as a ‘small village’ within the settlement hierarchy in Central Lincolnshire Local Plan Policy LP2. It is still classified as a ‘small village’ in policy S1 of the 2023 Plan. Policy S4 of the 2023 Plan advises that in small villages, up to 5 dwellings will be permitted on sites within the footprint of the village (subject to a number of other criteria). Policy LP2 of the superseded Plan sought to restrict development to around 4 dwellings, therefore there is a material change.
9. The appeal site already contains 1 dwelling which would be replaced and so the net increase in dwellings would be five. Policy S4 allows up to 5 dwellings on unallocated sites in appropriate locations within the development footprint of the village, unless there are clear material considerations that indicate otherwise. Having read the Plan’s glossary I am satisfied that this site is within the continuous built form of the settlement given it is surrounded on 3 sides by existing built development and on the fourth by a main road. In addition, it contains a dilapidated commercial building.
10. In terms of appropriate location, the glossary defines this as retaining the core shape and form of the village which this proposal would do. It also requires new development to not significantly harm the settlement’s character and appearance or the character and appearance of the surrounding countryside or the rural setting of the settlement. I note that the Council do not allege that the proposal would cause harm to the character and appearance of the area or the countryside. Moreover, I note that there is local support for the proposal which would they say improve the appearance of the appeal site. I have no reason to come to an alternative conclusion.
11. Turning now to the clear material considerations test in policy S4, my findings in relation to flood risk are a clear material consideration which carries significant weight against the proposal. As such the proposal would conflict with policy S4 of the 2023 Plan.

Other Matter

12. The appellant raises the issue of an extant planning permission for the conversion of the redundant joiner’s workshop on the site to form a one bedroomed dwelling which she considers to be a valid fallback position. Whilst

this planning permission is still extant and therefore could be built, the proposal before me would increase the number of homes on the site and therefore the risk to life in the event of a serious flood event as there would be more people living on the site. As such this does not outweigh the harm I have identified above.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR