



Appeal Decision

Site visit made on 6 June 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/H0520/W/22/3311355

**26 Highlode Industrial Estate, Stocking Fen Road, Ramsey,
Cambridgeshire PE26 2RB**

- 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 David Bowens against the decision of Huntingdonshire District Council.
 - The application Ref 22/01079/FUL, dated 12 May 2022, was refused by notice dated 1 November 2022.
 - The development proposed is a two-storey extension to Unit 26 to provide enlarged industrial unit including extend mezzanine floor and four new industrial units to existing yard to side of vacant Unit 25.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relevant to this appeal is the effect of the development upon flood risk.

Reasons

3. The appeal site is located as part of an existing business development. The surrounding land uses are predominantly commercial in nature. The vicinity contains several buildings of various scales and styles. The appeal site also contains areas of hardstanding. In addition, the appeal site is located in Flood Zone 3. This means that the land is at the greatest risk of flooding.
4. In considering this appeal, I have been directed towards adopted development Policy LP5 of the Huntingdonshire Local Plan (2019) (the Local Plan); and sections of the National Planning Policy Framework (the Framework), which seek to ensure that developments are located in areas with limited flood risk. This is to minimise the risk to users of the development from flooding.
5. To this effect, it is necessary to ensure that new developments pass the sequential test. The effect of this is that options for locating the development in lower flood risk zones are fully investigated. This means that a development located in Flood Zone 3 should only be considered in the event that there are no feasible options in Flood Zones 1 and 2.
6. In this case, I have been directed towards sites that could accommodate the proposed development in the lower flood risk zones. In addition, the Council has identified adopted Development Plan Policies that seek to encourage

- developments in prescribed locations, that have lower flood risk. Therefore, in consequence, the sequential assessment has not been passed.
7. The appellant has suggested that a smaller area should be used for the sequential assessment. However, given the nature of the entire development, which includes new commercial units; the evidence before me is not indicative that there are some specific circumstances that warrant this approach. Therefore, I am not persuaded that all alternative locations have been adequately assessed.
 8. Although the proposed buildings would be constructed on existing areas of hardstanding, which are likely to have limited levels of permeability, the proposed development is likely to result in an increase in the number of people working at the site. Therefore, this would result in an overall increase in the risk of exposure to flooding, which could be alleviated by siting the development in a sequentially more preferable area.
 9. I understand that the proposed development would be attractive to a local business. However, the proposed development includes four small individual units. This means that there are dividing walls between each unit and the individual buildings have separate entrances. There is therefore a likelihood that the occupation of the development would occur by four separate occupiers rather than a single individual business at some point in the future.
 10. In addition, even if I were minded to agree with the appellants that the proposed development would be occupied by an existing business. I would find that there is no mechanism available to me to ensure that this is maintained throughout the life of the development. In result, at some point in the future the proposed building could be occupied by a differing business. This would not necessarily generate the same local benefits as suggested by the appellant. In addition, the extension may be occupied by a different business in the future. Therefore, the suggestion does not overcome my preceding concerns.
 11. Furthermore, irrespective of the origin of the final occupier, the proposed development would result in an increase in the overall number of people present in the appeal site and the surrounding area. Therefore, in the event of a flooding event, a larger number of people would be placed at risk. In result, the occupier of the development does not allow me to disregard my previous concerns. This would occur even though other developments may be more sensitive to flood risk.
 12. My attention has been drawn to several other residential developments elsewhere. I do not have the full information regarding the planning circumstances of these, which means that I can only give them a limited amount of weight.
 13. Nonetheless, I note that these developments are for residential led schemes and in consequence the judgement as to whether or not the development has passed the sequential assessments would be different. This is because there is likely to be a difference in the availability of housing land supply relative to the supply of land for businesses. Therefore, I do not find that this overcomes the preceding concerns.

14. In result, it has not been demonstrated that all available options for locating the proposed development in areas that have a lower flood risk have been satisfactorily investigated and justification put forward for their exclusion.
15. I therefore conclude that the proposed development would have an adverse effect upon flood risk. The development, in this regard would conflict with the requirements of Policy LP5 of the Local Plan; and the Framework.

Other Matters

16. I understand that the development is unlikely to lead to an increase in crime. Although a matter of note, it is only one of all the matters that must be considered and therefore does not outweigh my findings in respect of the main issue.
17. Concerns regarding the manner in which the planning application was considered by the Council fall outside of the scope of this decision.

Conclusion

18. The proposed development would have an adverse effect on flood risk. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR