



Appeal Decision

Site visit made on 22 August 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/H0520/W/23/3318828

Plot 4, Poplars Farm, Thrapston Road, Brampton

- 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 Messrs R King and P Marsden Findlay against the decision of Huntingdonshire District Council.
 - The application Ref 21/00349/FUL, dated 13 February 2021, was refused by notice dated 7 October 2022.
 - The development proposed is the erection of dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have relied on the submitted Environment Agency Maps and the Flood Risk Assessment to define which Flood Zone the appeal site lies, including the Environment Agency flood map for planning document created 17 January 2022.

Main Issue

3. The main issue is whether the proposed development would comply with national and local planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

4. Most of the appeal site including the access into the plot is within Flood Zone 2. Only a small part of the appeal site is within Flood Zone 1, which is toward the south-western corner of the site. At least half of the proposed dwelling, its garage, and the access into the plot of land would therefore be in Flood Zone 2.
5. In Flood Zone 2 there is medium probability of the risk of flooding. The national Planning Policy Framework (the Framework) sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
6. The Framework sets out that a developer is required to provide a site specific Flood Risk Assessment (FRA) for all new proposals in Flood Zone 2 to assess the flood risk. Avoidance of flood risk is assessed by applying the sequential and exception tests, as appropriate.

7. The publicly available national Planning Practice Guidance (PPG)¹ explicitly sets out that the sequential test means avoiding, so far as possible, development in current and future medium and high risk areas considering all sources of flooding including areas of surface water flooding. The Framework further sets out, 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. Accordingly, the exception test can only be applied after the sequential test has been complied with first.
8. Policy LP5 of the Huntingdonshire Local Plan (HLP) sets out that a proposal will only be supported where all forms of flood risk have been addressed having regard to the PPG, such that (amongst other criteria) the sequential approach and sequential test are applied and passed.
9. The submitted FRA acknowledges the site is in Flood Zone 2 and that the application of the sequential tests is required. The FRA also notes that the proposed dwelling is classified as 'more vulnerable' within table 2 of the PPG. However, the FRA does not appropriately apply the sequential test in terms of directing development to areas of lower risk of flooding, rather it has referred to the annual probability of flooding within the site and only considered the positioning of the proposed dwelling within the appeal site. It is therefore not evidenced why the proposed development cannot be located in an area of lower risk of flooding. Accordingly, the sequential test has not been met.
10. Whilst information has been provided regarding site levels, proposed floor levels and likelihood of flooding of the appeal site and proposal, this has not had any bearing on my decision, as it is necessary to apply and meet the sequential test before any potential exceptions or mitigation measures can be considered, as set out in the Framework and PPG.
11. In view of the above, the proposal conflicts with Policy LP5 of the HLP, the Cambridgeshire Flood and Water Supplementary Planning Document (2017) and section 14 of the Framework, which require the sequential test to be met to ensure development is directed to areas with lower flood risk. Also, due to the potential flood risk, the proposal would not be a well-designed home promoting quality of life for the future occupants, in conflict with part H1 of the National Design Guide.

Other Matters

12. The appellant considers the Council has been inconsistent in its approach in dealing with the appeal case, in comparison to other developments determined by the Council in Flood Zone 2 in Brampton. Notwithstanding that each development proposal is considered having regard to its individual merits, the Council has adequately explained the differences between the site examples referred to and the appeal proposal. Any inconsistency of approach has not therefore had any bearing on my decision.
13. Other potential merits of the proposed development, such as the appeal site being within the Huntingdon Spatial Area; that the proposal would be sustainable development of good design, close to other existing development; and, that it relates more to the built-up area than the countryside, providing a logical conclusion to the development of Poplars Farm carry neutral weight.

¹ Planning Practice Guidance: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/planning-practice-guidance/flood-risk-and-coastal-change)

Furthermore, these are not matters of concern raised about the proposal and do not overcome the need to apply and meet the sequential test and so, do not outweigh the requirement to ensure development is located in areas of lower risk of flooding.

14. In the absence of the sequential test being applied appropriately and met, conditions would not overcome the harm I have found in relation to flood risk.
15. Whilst the Environment Agency has not commented on the appeal or provided further comments since 2021, this does not outweigh the harm I have identified above.

Conclusion

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

C Billings
INSPECTOR