



Appeal Decision

Site visit made on 17 August 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/F2605/W/22/3304562

Harebells, School Road, Beetley, Norfolk NR20 4DB

- 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 Ms A Vanlint & Goram against the decision of Breckland Council.
 - The application Ref 3PL/2022/0256/O, dated 28 February 2022, was refused by notice dated 26 May 2022.
 - The development proposed is outline planning permission for the erection of a single storey dwelling with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with only access to be considered at this stage and all other matters reserved for later consideration. I have determined the appeal on this basis. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as illustrative.
3. The appeal site address in the banner heading has been taken from the application form, albeit I have reordered it to reflect the site's address accurately.

Main Issues

4. The main issues are:
 - whether the location of the proposed development is appropriate, having regard to the spatial strategy on the location of housing and national policy; and
 - whether the proposal would comply with local and national planning policy, which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Location

5. Breckland Local Plan (LP) Policy GEN05 directs new development to be located within settlement boundaries. Beetley is identified as a village with a boundary and the appeal site is located outside of its defined boundary. Therefore, for the purposes of applying planning policy, the appeal site lies within an area designated as countryside. It goes on to state, development outside the

- defined settlement boundaries will only be acceptable where it is compliant with all relevant policies set out in the development plan.
6. LP Policy HOU04 is supportive of some limited development beyond the settlement boundary, although it must be located immediately adjacent to it with all the specified criteria 1-4 being met. The appellant suggests that the appeal site would form some limited infilling between existing dwellings. Notwithstanding the presence of the adjacent and nearby dwellings and buildings, the appeal site is located 1km from Beetley village, taking the appellant's measurements, which have not been disputed by the Council. With this in mind, the site could not be said to be 'immediately adjacent' or close to the settlement boundary.
 7. Notwithstanding my findings above, as the appeal site is located near a small group of dwellings, it is not however isolated for the purposes of Paragraph 80 of the National Planning Policy Framework (the Framework).
 8. The appellant has drawn my attention to planning application ref: 3PL/2019/0995/O. Whilst I do not have full details, this site is located some distance from the appeal site and was considered against LP Policy HOU05. Given these differences, it is not directly comparable to the scheme before me.
 9. The appeal site would not be immediately adjacent to the settlement boundary. Even if it were to be a self-build dwelling and compliant with criteria 1-4, it would nonetheless conflict with Policy HOU04 as a whole. As a result, the appeal scheme would also conflict with LP Policy GEN05. I therefore find that the appeal site would not be a suitable location for a new dwelling given its distance from the settlement of Beetley.
 10. For the reasons above, the proposal would conflict with LP Policies GEN01, GEN03, GEN05, HOU02 and HOU04. These seek, amongst other things, to direct development towards the most sustainable locations in accordance with the settlement hierarchy. In addition, the proposal would fail to accord with the aims of the Framework insofar as it seeks to create places that are safe, inclusive and accessible.

Flood Risk

11. The supporting text to LP Policy ENV 09 states that, as required by the Framework, a sequential test is required for sites within identified flood zones. Policy ENV 09 of the LP goes on to require development proposals for vulnerable development in medium (zone 2) and higher flood risk areas (zones 3a and 3b) to be accompanied by a site-specific flood risk assessment, clearly identifying whether the development will be safe for its lifetime, taking account of the vulnerability of its users, and whether there may be any potential increase or reduction in flood risk elsewhere. ENV 09 further states, in line with the sequential test, areas of functional floodplain should be protected from development.
12. The Environment Agency's (EA) Flood Map for Planning identifies the site as being in Flood Zone 1, having a low probability of river and sea flooding. Nonetheless, although not covering the whole site and of varying risk levels, parts of the appeal site are shown to be within the EA's Surface Water Flood Risk Map. Additionally, it is noted within the officer report and from the Parish Council that there have been flooding incidents in close proximity to the site.

13. The appellant's statement contests the applicability and reliability of the EA's Flood Map for Planning data for the appeal site. In this regard, the appellant draws my attention to DEFRA advice dated June 2021. The Defra advice cautions against the use of EA flood risk mapping in terms of its robustness and reliability to conclude with confidence that an individual property is at risk of surface water flooding. The appellant has also drawn my attention to the government's surface water flood risk mapping data website. Which from the extract provided again cautions that the data is extremely unlikely to be reliable for identifying individual properties at risk.
14. I acknowledge the appellant's case the maps are not appropriate to act as the sole evidence for any specific planning or regulatory decision or assessment of risk in relation to flooding at any scale without further supporting studies or evidence. I have also had regard to the evidence provided by the appellant from DEFRA¹ (dated July 2018) outlining various limitations with the EAs surface water flood risk maps. Nonetheless, as noted in the EA report² provided by the appellant, maps are the best available source of national information on surface water flooding and are an excellent starting point for understanding patterns and probability of surface water flooding.
15. I see no reason to disagree with the appellant's case, that there are, in some circumstances, likely to be deficiencies in the mapping accuracy of surface water flood risk. That is not surprising, there will always likely be boundaries in flood risk mapping. However, despite the identified methodological limitations with the flood risk mapping data, I consider the flood risk to be reasonably specific in terms of the scale of the mapping outputs and clearly identifies School Road, especially to the northern section of the appeal site, as a particular point of risk for surface water flooding. As such, and on balance, and given third parties have stated flooding has occurred nearby, I consider that the onus falls on the appellant to demonstrate beyond general methodological concerns that the flood mapping at the appeal location is site-specifically not to be relied upon.
16. In support of the development, the appellant has stated there are no recorded flood incidents at the appeal site or within the general vicinity and no objection has been received from the EA. Additionally, it is stated that Beetley is not within the priority ranking areas that are most likely to be at risk of surface water flooding, and the site was not affected by a severe rainfall event. However, as noted in Planning Practice Guidance (PPG)³, flood risk is a combination of the probability and the potential consequences of flooding. Areas at risk of flooding are those at risk of flooding from any source, now or in the future. As such, simply because an identified flood risk area has not flooded does not mean it will not flood in the future.
17. Having regard to all the evidence before me, I cannot reasonably conclude the appeal site is not at risk from surface water flooding. Therefore, notwithstanding potential, general limitations with the flood risk mapping, it nonetheless remains that the appeal location is identified as being susceptible to a moderate degree of surface water flood risk.

¹ Defra: Surface Water Management An Action Plan. Dated July 2018

² What is the Risk of Flooding From Surface Water Map, Environment Agency. Dated April 2019

³ Paragraph: 001 Reference ID: 7-001-20220825. Revision date: 25 08 2022

18. Notwithstanding, the Council's concerns related to the level of detail of how the site will drain, LP Policy ENV 09, PPG and the Framework aim to steer new development to areas with the lowest probability of flooding through a sequential test. The aim is to steer new development to areas with the lowest risk of flooding.
19. The appeal scheme does not meet the definition for minor development in PPG to be exempt⁴ from undertaking a sequential test. Consequently, the appeal proposal is required to apply a sequential test to establish whether there are other reasonably available sites for the proposed development in areas with a lower probability of flooding.
20. No sequential test has been carried out and for this reason, the scheme fails to consider, reasonably available sites with a lower probability of flooding in conflict with paragraph 162 of the Framework and LP Policy ENV 09. It also conflicts with the advice in PPG in so far as it requires a sequential test to be undertaken, to ensure that flood risk is minimised and appropriately addressed.

Other Matters

21. The Council's third reason for refusing the application refers to the impact upon the Broads Special Area of Conservation (SAC) and River Wensum SAC. However, as the appeal is being dismissed for the reasons set out above, an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 is not required. In any event, this would have mitigated harm and would not have amounted to a benefit. For these reasons, I have not considered this matter further.
22. The appeal proposal would deliver an additional dwelling on a previously developed, under-utilised, windfall site that would be energy efficient. As a small site, it is likely that the development could be developed and delivered quickly. There would also be the accompanying economic benefits during the construction and occupation stages. However, these benefits would be limited given the proposal is for a single dwelling and is not sufficient to outweigh the harm that I have identified and the conflict with the policies I have referred to.
23. A lack of harm from other issues, such as highway safety, is a neutral factor and does not weigh in favour of the scheme.

Conclusion

24. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
25. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR

⁴ Paragraph: 051 Reference ID: 7-051-20220825