



Appeal Decision

Site visit made on 24 July 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/W0530/W/23/3316080

The Brambles, Green End, Landbeach, Cambridge CB25 9FD

- 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 Robert Stevens against the decision of South Cambridgeshire District Council.
 - The application Ref 22/04932/FUL, dated 11 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is erection of holiday let accommodation and conversion of existing barn to form holiday let accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I saw that a detached holiday let building exists within the appeal site and appears to align with the plans provided. I also saw a larger building, which I understand to be a former barn, which is also capable of occupation.
3. I also understand that the two-storey property ('The Brambles') at the appeal site has potentially been operating as a bed and breakfast business for a number of years. The lawfulness of this activity has not been confirmed, or, I understand, planning permission granted. However, the status of this current operation falls outside the scope of this appeal, as it is not for me to reach a finding as to the lawfulness of this business or otherwise.
4. However, strictly for the purposes of my assessment, I have determined the appeal on the basis that an existing tourism/leisure use is operating within The Brambles itself. This should not be taken to indicate any comment as to the lawfulness, or otherwise, of that use.

Main Issues

5. The main issues are;
 - whether or not the proposed development is acceptable in respect of flood risk having regard to national and local policies and guidance, and;
 - the effect of the proposal upon highway safety.

Reasons

Flood Risk

6. The National Planning Policy Framework ('the Framework') states that new development should be steered to areas with the lowest risk of flooding, and that development should not be permitted if there are reasonably available appropriate sites in areas with a lower risk of flooding. Footnote 55 states that an FRA should be provided for all development in Flood Zones 2 and 3. The Framework goes on to state, at Paragraph 168, that applications for some minor development and changes of use should not be subject to the sequential or exception tests, as set out in Footnote 56, but should still meet the requirements for site-specific Flood Risk Assessments ('FRAs').
7. South Cambridgeshire Local Plan Policy CC/9 states that development will only be permitted where the sequential and exception tests required by the Framework demonstrate that development is acceptable, there would be no increase to flood risk elsewhere, and that FRAs appropriate to the scale and nature of the development are provided for developments that would be located within Flood Zones 2 and 3.
8. While the appeal is supported by a Sequential Test Planning Statement¹ ('STPS'), it is not accompanied by a site-specific FRA. I understand from the STPS that an FRA in relation to this proposal was prepared in 2019. However, this is not contained within the evidence before me. Nevertheless, it is common ground between the parties that the appeal site lies within Flood Zone 3, and is therefore at risk of flooding.
9. The provided STPS considers whether the Sequential Test is applicable. Footnote 56 of the Framework exempts certain types of development from the need to carry out the Sequential Test. This includes schemes for changes of use, but not where the change of use would relate to a caravan, camping or chalet site, or to a mobile home or a park home site.
10. Given its modest and lightweight form and appearance, the proposed standalone holiday let has the hallmarks of a chalet. Indeed, it is described as such in the appellant's evidence. Therefore, I consider it to fall beyond the scope of Footnote 56, and as a result, the Sequential Tests and Exception Tests are applicable to the proposal. The existing tourism use taking place within The Brambles itself does not negate the need for the proposed chalet to pass the Sequential Test and Exception Test, nor does its erection prior to the granting of planning permission absolve it from these tests.
11. With regard to the Sequential Test, the Planning Practice Guidance ('PPG') states that a pragmatic approach should be taken to the availability of alternative sites. It also recognises that it may be impractical to suggest alternative locations for an extension to an existing business. Given that I have approached the appeal on the basis that the proposal seeks to extend a leisure/tourism use currently taking place within The Brambles itself, it would be unreasonable to expect these elements to be separated from the existing operation as it would require the business to be operated on a remote basis. Therefore, I conclude that the Sequential Test is passed in this instance.

¹ Sequential Test Planning Statement – The Brambles, Green End, Landbeach, CB25 9FD. Ark Environmental Consultancy Ltd: August 2022

12. Accordingly, it is now necessary for me to consider the Exception Test. Paragraph 164 of the Framework sets out that in order to pass, it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development will be safe for its lifetime, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
13. Although the appellant makes reference to flood risk mitigation measures contained within the FRA, the details of these have not been provided to me. I cannot, therefore, be certain that the proposal would not lead to an increase in flood risk elsewhere, that it would be appropriately flood resistant and resilient, or that safe access and escape routes could be provided. This element of the Exception Test is therefore failed.
14. The proposal would lead to a boost to the local visitor economy. Given the nature of scale of the proposal, this would likely be a modest benefit to the community. No other benefits of the proposal have been identified within the evidence. I therefore conclude that it has not been demonstrated that the wider sustainability benefits of the proposal would outweigh the flood risk. This element of the Exception Test is also therefore failed.
15. On the basis of my reasoning above, the proposal would not be acceptable in respect of flood risk. It would be contrary to SCLP Policy CC/9, the content of which I have set out above. It would also conflict with advice within the Framework.
16. The Council has also referred to conflict with SCLP Policies S/7 and E/20 in relation to this main issue. These policies relate to the principle of development, and there is no wording within them specifically relating to this main issue. Therefore, they have not been determinative in my considerations.

Highway Safety

17. The appeal site is located on a stretch of road linking Landbeach with the A10 trunk road. In the vicinity of the appeal site, this road is subject to the national speed limit, and is notably straight and flat in its alignment. However, to the southwest of the site, the alignment of the road does alter as it crosses a watercourse and forms an S-bend.
18. The generally good visibility on the straight sections of the road means that I agree with the Highway Authority that there is potential for vehicle speeds to be high; this is particularly true for traffic approaching the appeal site from the northeast, where views are unimpeded and the road straight.
19. Given such, the Council has requested visibility splays to be provided at the site access which would be of a 2.4m x 215m specification. This is based upon the speed limit and nature of the road, taking account of advice within Design Manual for Roads and Bridges ('DMRB').
20. Although appellant states that an assessment of traffic speed and traffic flows was made, no substantive evidence to this effect is before me. It has not, therefore, been shown that site specific circumstances exist which would justify a departure from the visibility splay specifications that have been requested by the Council.
21. The size and scale of the provided plans means that they do not include the full extent of the required 2.4m x 215m visibility splays in either direction.

Additionally, the provision of these visibility splays would require the use of land outside of the appeal site, and it has not been demonstrated that they would be wholly located on land within the control of the appellant.

22. Without such assurance, it would not be possible to control the maintenance of these areas to ensure that they remain obstruction free. Overall, I cannot be certain that suitable levels of visibility would be provided to vehicles leaving the site.
23. I acknowledge that there are other accesses taken from this road. However, I have not been made aware of the precise location of these. Nor is there any evidence before me in relation to the specification of these accesses, or the nature and scale of the developments they serve. Furthermore, it is unlikely that any of the cited examples would be located in identical circumstances to the appeal site, as levels of visibility will inherently be affected by specific locational constraints. I therefore afford these examples very limited weight in my considerations.
24. The Council has also raised concern that insufficient parking would be provided within the site. I saw on my site visit that there is space for several vehicles within the site. However, it appears that this space would be shared by the existing Bed and Breakfast business, the holiday let accommodation and the converted barn. There is no substantive evidence before me in relation to the number of rooms available at the bed and breakfast operation or level of parking demand that it would be likely to generate when operating at full capacity.
25. Accordingly, it has not been shown that sufficient parking would be provided within the site to accommodate all potential guests, should they arrive by car, and this could lead to parking on the highway which, given the nature of the road and the potential speed of traffic using it, would be to the detriment of highway safety.
26. The proposal would lead to harm to highway safety. It would therefore be in conflict with SCLP Policy HQ/1 which amongst other factors, states that development should provide safe and convenient access for all users, and ensure that car parking is integrated and does not cause safety issues.
27. In refusing planning permission, the Council also referred to conflict with SCLP Policy CC/3 in relation to this main issue. However, this policy relates to renewable and low carbon energy in new developments, and my attention has not been drawn to any specific wording within it in relation to this main issue. Accordingly, I find no conflict with this policy.

Conclusion

28. The proposed development would conflict with the development plan read as a whole, and there are no material considerations, including the Framework, that would indicate a decision other than in accordance with it.
29. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR