



Appeal Decision

Site visit made on 17 October 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2024

Appeal Ref: APP/D2510/W/23/3318178

Ivy House, Carrington Road, Frithville, Lincolnshire PE22 7DY

- 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 Mr I Chipperfield against the decision of East Lindsey District Council.
 - The application Ref S/054/01151/22, dated 10 June 2022, was refused by notice dated 8 September 2022.
 - The development proposed is described as "outline erection of 1no dwelling (with means of access to be considered)".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.
3. Outline planning permission is sought with all matters reserved for subsequent approval except 'access' which is considered at this stage. I have determined the appeal on this basis.

Main Issues

4. The main issues are (a) whether the appeal site is a suitable location for the proposed development, and (b) the effect of the proposed development on flood risk.

Reasons

Suitable Location

5. Frithville is identified as a 'Medium Village' by Policy SP1 of the East Lindsay Local Plan Core Strategy, adopted 2018 ('the CS'). CS Policy SP4(2) states that housing will be supported in Medium Villages where it would be *in an appropriate location within the developed footprint of the settlement as infill, frontage development of no more than two dwellings and it conforms to Clause 2 of Strategic Policy SP25 – Green Infrastructure*.
6. The policy defines 'developed footprint' as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are detached from the continuous built-up area of the settlement. It also

excludes gardens, community and recreation facilities, and land used for an active employment use.

7. The appeal site comprises a vacant plot of land between two residential properties, it would front onto Carrington Road (the B1183), and it would consist of one dwelling. Therefore, it would comprise infill development as defined by CS Policy SP4(2).
8. The appeal site is located within a short ribbon of development along the eastern side of Carrington Road. Open fields surround the ribbon of development and separate it from the built development of Frithville that is concentrated along Westville Road, Canister Lane and West Fen Drainside to the south. Consequently, the appeal site forms part of a dispersed group of buildings that are detached from the continuous built-up area of the settlement. This is acknowledged by the appellant in their Design and Access Statement.
9. In reference to the first main issue, the appeal site is not a suitable location for the proposed development. It would conflict with CS Policy SP4(2), the content of which is detailed above. It would also conflict with CS Policy SP1 that details the sustainable pattern of places for development within the district. The Council's first reason for refusal references CS Policy SP3, however, this policy relates to 'Towns' and 'Large Villages' and therefore is not applicable to this main issue.

Flood Risk

10. The appeal site is within Flood Zone 3. CS Policy 16(2) states that the Council will support housing in areas of inland flood risk subject to three criteria, all of which a proposal must comply with. The site is vacant and appears to have previously formed part of the garden associated with Ivy House but has since been subdivided by a close boarded fence. From the evidence before me, I do not consider the site is brownfield and has become empty, that it is in need of regeneration, or that there are buildings on the site that have become disused and/or run down. I have not been provided with evidence that the site has been actively marketed for a minimum of 12 months for business, leisure or commercial use, or that the site would be unsuitable for these uses. Consequently, the proposal would conflict with CS Policy 16(2).
11. A Flood Risk Assessment and Sequential Test¹ ('FRA') has been submitted to support the proposal and asserts that the appeal site is within Flood Zone 3a. Annex 3 of the Framework classifies dwellings as 'More Vulnerable' in terms of flood risk. Table 2 of the Planning Practice Guidance² ('PPG') suggests that 'More Vulnerable' developments within Flood Zone 3a are appropriate subject to the Sequential Test ('ST') and the Exception Test ('ET') being passed.
12. The PPG states that for individual proposals subject to the ST, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed³. The FRA's ST adopted a search radius of approximately 3 miles (5km) from the appeal site, whereby parts of Sibsey and Stickney (both 'Large Villages', as identified by CS Policy SP1) fall outside

¹ Flood Risk Assessment and Sequential Test Version 01, produced by Quarrington Design Ltd and dated 25.04.2022

² National Planning Policy Guidance, Paragraph: 079 Reference ID: 7-079-20220825

³ National Planning Policy Guidance, Paragraph: 027 Reference ID: 7-027-20220825

Flood Zone 3. Allocated and windfall sites were considered within Sibsey, Gipse Bridge, Antons Gowt and Frithville but all were discounted as they fell within Flood Zone 3; there was no indication of when the development would commence; or the sites would not be able to accommodate a 'substantial detached dwelling'.

13. However, the appeal proposal is in outline with all matters except 'access' reserved for subsequent approval and therefore, the size of the proposed dwelling is not known at this stage. Additionally, the FRA is dated April 2022 and an updated ST has not been provided. Furthermore, while the FRA has adopted a search radius of approximately 3 miles (5km) from the appeal site, the Council assert that their Strategic Flood Risk Assessment requires a ST to adopt a search area of 'inland' East Lindsey for the inland flood risk areas. The Council asserts that 'inland' East Lindsey is a much larger search area than that covered by the FRA's ST and includes the towns of Horncastle, Spilsby, Coningsby/Tatterhall and Louth, and several large villages. From the information before me, I have no reason to disagree.
14. Accordingly, I cannot conclude there are no reasonably available sites for the proposal within 'inland' East Lindsey with a lower risk of flooding than the appeal site. Regarding the ET, the PPG states that this should only be applied when the ST has been passed. As I have found that the submitted ST does not satisfy the requirements set out in the Framework and the PPG, the need to undertake the ET does not arise.
15. In reference to the second main issue, insufficient information has been provided to ascertain whether the proposed development would not have an adverse effect on flood risk. It would therefore conflict with paragraphs 165 - 169 of the Framework that amongst other things, seek to steer new development to areas with the lowest risk of flooding from any source and not permit developments if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Other Matters

16. The proposed development would marginally increase the supply of housing, aid growth to the village, temporarily provide construction jobs, and sustain local community services and businesses. The appellant also asserts that the proposed dwelling could be constructed with high levels of insulation and include an air source heat pump, solar panels and an electric vehicle ('EV') charging point. With the exception of the provision of an EV charging point (which is a requirement of Building Regulations), I consider these benefits to be modest and would not outweigh the harm I have previously identified.
17. The appellant asserts that the proposal could help to meet any shortfall in the supply of homes in the absence of a Neighbourhood Plan. However, I am unaware that the Council is failing in its five-year supply of deliverable housing sites or the Housing Delivery Test. I have been directed to two planning approvals⁴ for market housing north of the village hall that the appellant asserts are located beyond what was previously described as the development boundary of Frithville. However, limited information has been provided in respect of these developments for me to ascertain whether they are directly

⁴ Planning Ref S/054/00106/16 and S/054/01499/19

relevant to the appeal proposal. In any event, I must determine the proposal on its own merits.

18. Paragraph 82 of the Framework states that in rural areas, decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led developments for housing. However, the proposal is for an open-market house, and it is unclear whether it would meet local needs, particularly as the dwelling's size is unknown.

Conclusion

19. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR