
Appeal Decision

Site visit made on 25 June 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal Ref: APP/W3520/W/24/3337280

**Land to north of Bumbledown, Grange Road, Wickham Skeith, Suffolk
IP23 8NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Osborn Homes (East Anglia) Ltd against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/00901.
 - The development proposed is erection of 1no. single-storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the appeal form rather than the application form, as it more clearly indicates the location of the site.
3. The Babergh and Mid Suffolk Joint Local Plan- Part 1 (LP1) was adopted in November 2023, after the Council's decision on the planning application subject to this appeal. The Council's appeal statement identifies that policies referred to on its decision notice have been superseded. From the evidence before me the most important policies appear to be SP03, LP01 and LP27 of LP1. The appellant has had the opportunity to comment on the new policies. Accordingly, I shall consider the LP1 Policies in my decision.
4. Since the Council determined the application, the Government published an updated version of the National Planning Policy Framework (the Framework). However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly. I will refer to the revised paragraph numbers in my decision.
5. Whilst not given as a reason for refusal on the decision notice, the Council has introduced significant concerns during the appeal process relating to flood risk. I sympathise with the appellant that this matter has been raised after the Council made its decision, particularly given the appellant submitted a Flood Risk Assessment (FRA) with the application. However, given the requirements of the Framework, in particular paragraph 165, which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) I must consider this matter as an additional main issue.

Main Issues

6. The main issues are whether the appeal site would be a suitable location for the proposed development having regard to:
- flood risk; and
 - the spatial strategy and the accessibility of services and facilities.

Reasons

Flood risk

7. The Environment Agency (EA) flood map for planning submitted in the appellant's FRA shows the appeal site is entirely in flood zone 1 and so has a low probability of flooding. However, this relates only to flooding from rivers and the sea. The map provided at Figure 8.1 of the FRA identifies that the appeal site is at risk of surface water flooding. Paragraph 8.3 of the FRA suggests it is very low to low risk of flooding in this regard. However, the map appears to show it is at high risk. This provides for some uncertainty as to the actual risk of flooding from surface water. Figure 8.2 shows flood depths of below 300mm up to 900mm.
8. Policy LP27 of the LP1 states, amongst other things, that proposals for new development can be approved where in areas at medium or high risk from flooding, it has been soundly demonstrated that the new development can be made safe for its lifetime without increasing flooding elsewhere. This includes addressing the 'sequential test'; where needed the 'exception test' and also a site specific flood risk assessment.
9. Paragraph 168 of the Framework explains the aim of the sequential test (ST) is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposal in areas with a lower risk of flooding. It states that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. The Planning Practice Guidance (PPG) reiterates the aim to avoid as far as possible development in medium and high flood risk areas including those at risk of surface water flooding.
10. There is no evidence of a search to ascertain whether reasonably available alternative sites for the proposed development exist that are at a lower risk of surface water flooding compared to the appeal site. Consequently, based on the evidence before me I am unable to conclude that the ST has been passed.
11. I acknowledge the high level nature of the assessment that informs the EA mapping, and that the FRA seeks to identify the risk at the local level to be more site specific. I also note the assertion that the existing open channel adjacent to the appeal site has sufficient capacity to deal with the predicted surface water and that as a result the development could be accommodated on the site without worsening the risk of flooding in the area. I recognise that the developer currently building out the two adjacent dwellings has not reported any issues of surface water flooding.
12. Nevertheless, the PPG explains that the ST still needs to be satisfied even where it can be shown that development can be made safe without increasing

flood risk elsewhere¹. There is no justification before me as to why this approach, set out in the PPG, should not be followed in this case.

13. For the above reasons and based on the evidence before me, I conclude that the appeal site is not a suitable location for the proposed development with regard to flood risk. The proposal is therefore contrary to Policy LP27 of the LP1 as set out above. The proposal would also be contrary to the requirements of the Framework discussed above.

Location

14. The appeal site comprises an area of land to the north of the existing property known as Bumbledown and south of two dwellings currently under construction. To the northwest on the opposite side of the road is a modern development including a number of dwellings. To the south of Bumbledown are a number of dwellings in a linear layout, accessed from Grange Road. To the north of the dwellings under construction are further dwellings in a linear layout as you head towards the more central area of the settlement of Wickham Skeith. The site is not isolated in the terms of the Framework test. It is not disputed that the appeal site sits outside of any defined settlement boundary.
15. Policy SP03 of LP1 states that outside of the settlement boundaries, development will normally only be permitted where the site is allocated for development, or it is in accordance with a made Neighbourhood Plan, or in accordance with one of the policies of the Plan listed in Table 5, or it complies with paragraph 80 of the NPPF (2021) (now paragraph 84 of the Framework) which refers to the limited circumstances in which isolated dwellings would be considered appropriate.
16. Policy LP01 of the LP1 is listed under Table 5 and supports windfall infill housing development outside settlement boundaries. It states that proposals for windfall infill development outside settlement boundaries where there is a cluster of at least 10 well related dwellings will be acceptable subject to certain criteria. Infill is defined at footnote 18 of the JLP as the filling of a small undeveloped plot in an otherwise built-up highway frontage.
17. I witnessed a cluster of more than 10 well related dwellings located around the appeal site. To my mind, given the relationship with neighbouring built form and the position within the linear pattern of development already established along Grange Road, the development of the appeal site would represent the filling of a small undeveloped plot in an otherwise built-up frontage. The proposal would therefore meet the initial requirements of Policy LP01.
18. The criteria set out under Policy LP01 that need to be met include not being detrimental to the character and appearance of the settlement, landscape, residential amenity or any heritage, environmental or community assets; not resulting in consolidating sporadic or ribbon development or the loss of gaps between settlements resulting in coalescence; and that the development would usually be for only one or two dwellings. The Council has not raised any issues of conflict with these criteria in relation to the appeal site and based on the evidence before me, I see no reason to disagree.

¹ Paragraph: 023 Reference ID: 7-023-20220825

19. I recognise that there are limited services and facilities within Wickham Skeith and that future occupants would have to travel to other nearby settlements for day to day needs. However, the background and explanation behind Policy LP01 identifies that there are many small, dispersed communities within the plan area. It states that whilst these communities do not contain the level of services and facilities which would be necessary to support larger scale new housing developments, small scale windfall infill development may be appropriate to enable sustainable development where it will enhance or maintain the vitality of the rural communities.
20. I note the Council has identified in an officer report relating to a subsequent planning application (ref: DC/23/05694), submitted by the appellant following the Council's adoption of LP1, for the same proposal at the appeal site, the Council considered that the appeal site would meet the requirements of Policy LP01 of LP1.
21. I therefore find that the appeal site would be a suitable location for the proposed development, having regard to the spatial strategy and the accessibility of services and facilities. The proposal would comply with Policies SP03 and LP01 of the LP1, which are set out above. The proposal would also accord with the Framework in that it would support rural housing that would in turn support local services.

Other Matters

22. I note that the five year housing land supply figure is not a ceiling, and that the proposal would contribute a dwelling to the housing supply. The proposal would also provide economic benefits during the construction phase and after with future occupants supporting local services and facilities. Nevertheless, any benefits would be limited due to the scale of the proposal.
23. The appellant asserts that at the time the Council issued its decision, paragraph 11 of the Framework was engaged. The Council has confirmed following the adoption of the LP1 that it currently has 10.88 year housing land supply. The appellant has not disputed this figure. Even if paragraph 11 was engaged, under paragraph 11 d) i. areas at risk of flooding are identified as an area or asset of particular importance which would provide a clear reason for refusing the development proposed, under the policies of the Framework.

Conclusion

24. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR