
Appeal Decision

Site visit made on 6 September 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/B3030/W/24/3340164

The Acre, Main Street, Bleasby, Nottinghamshire, NG14 7GH

- 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 Mr David Robinson against the decision of Newark and Sherwood District Council.
 - The application Ref is 23/01578/FUL.
 - The development proposed is the erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is appropriate for residential development having regard to flood risk.

Reasons

3. The site is located partially in flood zone 1 (low probability) and partially in flood zone 2 (medium probability) as defined by the Environment Agency flood map for planning. National and local planning policies seek to steer new development towards areas at the lowest risk of flooding (flood zone 1) by applying a sequential test.
4. As part of the proposed dwelling and its means of access would be in flood zone 2, it is necessary to apply the flood risk sequential test in this case. In reaching this view I am mindful of the fact that the wider area surrounding the site is in flood zone 2 and flood zone 3 (high probability). Consequently, even the flood zone 1 part of the site could potentially become cut off from roads and services in the event of a flood.
5. Bleasby is not defined as a sub-regional centre, service centre or principal village in the settlement hierarchy set out in the Newark and Sherwood Amended Core Strategy 2019 (the CS). As the site is not located in a key settlement for new growth, and in the absence of any adopted planning policies or guidance relating to the sequential test search area, a district wide sequential test should be undertaken and passed unless local circumstances relating to the catchment area for the type of development proposed, indicates that a smaller search area is justified.
6. My attention has been drawn to an independent rural housing needs survey for Bleasby, dated June 2023. This identifies that there is a need for eight new homes across a range of types, sizes and tenures within the village.

However, the identified need is for smaller affordable and shared ownership houses and bungalows, with the identified market need being limited to only 2no. 2-bedroom bungalows. Accordingly, the 4-bedroom market house proposed would not meet an identified local need.

7. I am advised that the Council's District wide Housing Needs Assessment 2020 (HNA), identifies a need for 4-bedroom family homes in the wider Southwell sub area, which Bleasby falls into. I have not been provided with a copy of this document and as such I am not aware of the extent of the need, or of the extent of the Southwell sub-area. Given that the more recent and up to date housing needs survey for Bleasby itself, does not identify a need for more 4-bedroom family houses in this particular village, I do not consider that the district wide HNA justifies reducing the sequential test search area to Bleasby in this case.
8. Evidence to support a district wide sequential test was submitted with the application, which identifies and rules out several alternative sites. However, it is limited to an internet search of sites of similar size to the appeal site, which are available for sale on Rightmove, Zoopla and Primelocation. It fails to rule out sites contained within the council's housing land availability assessment, or to justify why some sites have been ruled out purely on size. An alternative site to accommodate a single-family dwelling need not necessarily be as large as the appeal site, much of which is constrained by trees. Planning Practice Guidance also states that a reasonably available site can be part of a larger site.
9. Whilst I have not been provided with any evidence of reasonably available sites held by the council, it is not disputed that the council is able to demonstrate that it has at least a 5-year supply of housing land. I have not been advised that the sites making up this supply of housing land are at the same or greater risk of flooding, and I have no reason to doubt that there will be other plots of land available within the district that can accommodate a single dwelling in flood zone 1.
10. I therefore conclude that the flood risk sequential test is not passed, and the residential development of the site would be unacceptable having regard to flood risk. Consequently, the proposal would be contrary to Core Policy 10 of the CS, Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD and paragraph 168 of the Framework, which amongst other things seek to steer new development to areas with the lowest risk of flooding.

Other Matters

11. I note that the Environment Agency has not objected to the proposal on any technical grounds, but the sequential test is a policy matter that is to be determined by the decision maker.
12. More vulnerable development in flood zone 2 is not subject to the exception test, which in any event should only be applied after the sequential test has been passed. However, it has been demonstrated that the development could be made safe from flooding.
13. The appellant claims that the proposal would have public benefits in terms of raising the existing vehicular access level to reduce its risk of flooding and providing a pedestrian access route from the existing dwelling through the appeal site to the road. Given that the appeal site is currently garden to the

existing dwelling, and the occupiers already have rights to cross it, this would not be a public benefit. Furthermore, given that all of the roads and access routes surrounding the site are in flood zones 2 and 3, the improved vehicular and pedestrian accesses would not address the fact that even if the proposed dwelling did not flood, which I accept is unlikely, the dwelling and future occupiers of it would still potentially be trapped on a small dry island for a significant period of time, during which there may be no water or electricity, or means of accessing other services and facilities, as a result of surrounding flood water.

14. I have had regard to another appeal decision¹ brought to my attention, in which the Inspector considered that an up-to-date housing needs survey justified reducing the sequential test search area to a specific settlement. I agree with this approach in principle and have considered it in my reasoning above. However, in this case, the very limited need for only 2no. 2-bedroom market bungalows, which would need to be entirely in flood zone 1 due to their increased vulnerability to flood risk, would not be met by the proposal.
15. I acknowledge that Bleasby, despite not being defined as a main growth settlement, has a good range of services and facilities and that allowing some small-scale growth would assist in supporting the viability of these and the general vitality of the local community. However, the benefit of a single dwelling, which would not meet an identified local need, would be very limited and as such I afford this little weight.

Conclusion

16. The proposal would conflict with the development plan and the framework and there are no other considerations of sufficient weight to indicate that a decision should be made other than in accordance with these.
17. For the reasons given above, having had regard to all issues raised, the appeal is dismissed.

R Bartlett

INSPECTOR

¹ APP/B3030/W/18/3205827