



Appeal Decision

Site visit made on 13 November 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2024

Appeal Ref: APP/E3335/W/24/3348816

Red Tiles, River Lane, Dunwear, Bridgwater, Somerset, TA7 0AD

- 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 Mrs Louise Jones against the decision of Somerset Council..
 - The application Ref is 09/23/00016/AGE.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The applicants' names on the planning application form were Mr A Jones & Ms L Baker. The appellant, Mrs Louise Jones, has confirmed that her name changed from Ms L Baker, since the application form was first submitted, and I have used her new name in the banner heading above.

Main Issues

3. The main issues are:
 - the principle of development having regard to the development strategy for the area; and,
 - whether the proposed development would lead to an increased risk of flooding.

Reasons

Principle of development

4. The appeal site relates to a paddock in between 2 detached houses and a cleared site housing a mobile chalet. There are houses to the west and houses and industrial units on the opposite side of the road to the north.
5. Policy CO2 of the Sedgemoor Local Plan 2011-2032 (2019) (LP) allows for infill housing development in the countryside subject, among other things, to it being in a small nucleated rural settlement, for self or custom build housing and that it meets the requirements of Policy D9 of the LP. Both parties agree that the site is in the countryside and would be considered a suitable site for infill development.

6. Policy D9 requires that, for full applications for small scale self-build housing in rural areas, the future occupier must demonstrate an appropriate local connection. Paragraph 6.9 of the Council's Self-Build and Custom Build Homes Supplementary Planning Document (2021) (SPD) defines a local connection as: a current resident in the settlement or parish who has lived there for the previous 2 years, or has previously been a resident in the settlement or parish for at least 2 years during the past 5 years, or is currently permanently employed in the settlement or parish and have worked there for the previous 2 years, or has an immediate family member who has lived in the settlement or parish for the past 5 years.
7. Paragraphs 6.11 and 6.12 of the SPD indicate that potential applicants for self-build housing can sign up to the Council's self-build register without first providing evidence of a local connection. However, when submitting a full or reserved matters planning application a potential occupier must demonstrate a local connection and provide evidence if they had not done so at the registration stage. That does not, as the appellant suggests, mean that evidence of an alternative local connection to those specified in paragraph 6.9 would be acceptable, only that evidence in addition to that supplied at registration might be required at full application stage.
8. The appellant is registered on the self-build register and has provided evidence of historic links to the area but acknowledged that they do not meet the criteria for a local connection set out in paragraph 6.9 of the SPG. An appropriate local connection has not therefore been demonstrated and, consequently, the proposed development conflicts with Policy D9 and Policy CO2 of the LP which require infill housing development in rural areas to be occupied by residents with a local connection.

Flood risk

9. The appeal site falls within high risk flood zone 3, according to the Environment Agency's Flood Map for Planning. The National Planning Policy Framework (2023) (the Framework) seeks to avoid inappropriate development in areas at risk of flooding, advising that development should not be permitted if there are reasonably available sites in areas with a lower risk, identified through a sequential test in a flood risk assessment (FRA).
10. The appellant's FRA includes a sequential test for alternative sites within the parish that the appeal site is located. However, Policy D1 of the LP requires that the sequential test search area, on sites proposed outside identified settlement boundaries, should cover the whole Sedgemore District Area, unless there is a demonstrable local need for the development. Given that I have concluded above that there is no demonstrable local need, the sequential test should have covered the district not just the parish and has, therefore, failed to demonstrate that there are no reasonably available alternative sites with a lower flood risk as required by the Framework. The proposed development therefore conflicts with Policy D1 of the LP.

Other Matter

11. There is dispute between the parties over whether the Council can meet the demand for self-build housing. The appellant cites demand outstripping supply in parishes surrounding the appeal site while the Council's most recent Annual Monitoring Report demonstrates that it can meet the overall district wide self-

build demand. However, the appellant notes, in their Statement of Case, that there is nobody on the self-build register with a local connection within the parish in which the appeal site is located. Therefore, based on the evidence before me, there is neither the demand for a self-build property nor would it be occupied by someone with an appropriate local connection and therefore there is no justification for allowing planning permission.

Conclusion

12. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR