



Appeal Decision

Site visit made on 6 January 2025

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/C3810/W/24/3349787

Liseve Lodge, 84 North Bersted Street, Bersted, West Sussex PO22 9AQ

- 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 Lisa Parker against the decision of Arun District Council.
 - The application Ref is BE/33/24/PL.
 - The development proposed is change-of-use for two existing outbuildings to be used as holiday lets.
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Decision

1. The appeal is dismissed.

Preliminary matter and main issue

2. The revised National Planning Policy Framework (Framework) came into force in December 2024. The main parties have had the opportunity to comment on the relevant changes, and the comments received have been considered.
3. The main issue is whether the proposed development would be safe from flooding.

Reasons

4. The appeal site is situated on the roughly north east side of North Bersted Street where the road curves around the wooded area known as The Spinney, which lies roughly north west. The site's north and south west boundaries adjoin the highway, and aside from its boundaries that adjoin the grounds of 82 North Bersted Street, its south east boundary adjoins a public right of way. The appeal dwelling is a chalet style dwelling with an upper floor, which is sited within the wider part of the deep site, near the far end of the grounds of 82 North Bersted Street, and its outbuildings lie north east of the dwelling.
5. The proposal includes the change of use of each of the 2 single storey outbuildings that are closest to the appeal dwelling to 2 self-contained holiday lets, each of which would have one car parking space close by.
6. Policy W DM2 of the Arun Local Plan 2011-2031 (LP) aims for development in areas at risk from flooding, identified in the Environment Agency (EA) flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), to only be permitted where all of several criteria have been met, including that a site specific flood risk assessment demonstrates that the development will be safe, including access and egress. Reports prepared as part of the criteria must take into account contingency allowances, taking climate change into account as set out in Planning Practice Guidance (PPG).

7. LP Policy W DM2 is in line with the Framework, which states that inappropriate development in areas at risk of flooding (whether existing or future) should be avoided, and that where development is necessary in such areas, it should be made safe for its lifetime. The Framework aims to take into account all sources of flood risk and the current and future impacts of climate change, and adds that a site-specific flood risk assessment should be provided for all development within Flood Zones 2 and 3, which have medium and high probabilities of flooding respectively.
8. The appellant's flood risk assessment dated March 2024 (FRA) recognises that the site is at risk from fluvial and tidal flooding, and provides a range of design flood water levels for undefended and defended fluvial flooding and undefended tidal flooding scenarios. The FRA refers to EA floodplain maps, which place the site within Flood Zone 2, and the SFRA, which shows that the site is within Flood Zone 3a. The Council's SFRA mapping confirms that the relevant part of the site falls within Flood Zones 2 and 3.
9. On the basis that the proposal would be subject to roughly 0.63 m depth of undefended fluvial flooding in a 1% annual exceedance probability plus climate change event, the FRA recommends resilience and mitigation measures including flood resistant construction methods and materials, anti-flood air bricks, and demountable flood gates. The measures also include signing up to the EA Flood Warning Scheme, and evacuating the proposal when a flood warning is issued, but as this would be difficult to enforce for this relatively small scheme, it could not reasonably be controlled by condition.
10. From the data in the FRA, and PPG advice that 75 years is a fair starting point for the lifetime of non-residential development, the EA has shown that the proposal would be subject to potential inundation levels of 0.84 m to 1.95 m from undefended tidal flooding within 50 years and 100 years respectively. So, the proposal would put people and property at greater risk than envisaged by the FRA. As the occupiers would sleep in the ground floor accommodation, their lives would be put at unacceptable risk in the event of tidal flooding.
11. As the land close to the holiday lets and between the site and the junction of the North Bersted Street cul de sac with Rowan Way are within Flood Zones 2 and 3, the proposal would not have safe access and egress. Moreover, there is almost nothing to show that the construction of the buildings would be capable of withstanding the hydrostatic pressure of the flood water, so the proposal would put people and property at unacceptable risk from flooding.
12. The appellant says that the proposal's occupation between March and October would avoid the greater likelihood of flooding during the winter months, but as flooding could occur at any time, it would not outweigh the identified harm.
13. Therefore, I consider that the proposed development would not be safe from flooding. It would be contrary to LP Policy W DM2 and the Framework.

Other matter

14. There would be almost no change to the appearance of the outbuildings, and the increase in tourist activity related to the proposal would be modest and in character with nearby development including The Old Priory, so the character or appearance of the North Bersted Conservation Area would be preserved. Even so, this matter attracts neutral weight in the planning balance.

Conclusion

15. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
16. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR