



Appeal Decision

Site visit made on 20 December 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/D2510/W/24/3348172

'Corona', South Crescent, St Leonards Drive, Chapel St Leonards, Skegness PE24 5RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr George D. Carnell against the decision of East Lindsey District Council.
 - The application Ref. is N/031/02404/23.
 - The development proposed is the outline erection of a two-storey dwelling with detached garage.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of a two-storey dwelling with detached garage at 'Corona', South Crescent, St Leonards Drive, Skegness PE24 5RQ in accordance with the terms of the application, Ref. N/031/02404/23, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the suitability of the site for a new dwelling, including in respect of the risk of flooding.

Reasons

3. The appeal site is a wedge-shaped plot of vacant land within a long-established residential area in the village of Chapel St Leonards. There are existing adjacent dwellings on each side of the plot and immediately to the rear in Acacia Avenue, as well as on the opposite side of the road.
4. In its refusal of permission, the Council cites three development plan policies and Government policy in the National Planning Policy Framework ('the Framework') – at the time of the refusal the December 2023 edition but since revised in December 2024. The local policies are Policies SP2, SP17 and SP18 of the East Lindsey Local Plan Core Strategy 2018 ('the Local Plan'). Policy SP2 says that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development in the Framework.
5. Policy SP17 addresses the coastal strip of East Lindsey including development and flood risk. Proposals will need to demonstrate that they satisfy Sequential and Exception Tests, whilst all relevant development will need to provide adequate flood mitigation. Policy SP18 also relates to the coastal strip and

- includes support for open market housing, subject to a number of criteria. In addition, the policy says that the Council will support sites which already have planning permission for housing if they come forward with improved layouts, designs or flood mitigation providing the number of homes does not increase.
6. The grounds of appeal set out the site's planning history. Originally there were two bungalows dating from the early C20th until their demolition after outline planning permission was granted for three new dwellings in 2004 and a reserved matters approval of two of the three in 2006. Further outline permissions for two dwellings were granted in 2015 and 2018 and in the case of the latter the timeline supports the appellant's claim that the outbreak of Covid was the reason why approval of the reserved matters was not sought. It was therefore only the pandemic that excludes the appeal scheme from compliance with the above-mentioned planning permission element of Policy SP18.
 7. I also agree with the appellant's view that in this residential context and with underground services and access gates remaining from the pair of bungalows that were on the site for almost a century, this is 'brownfield' or 'previously developed' land for the purposes of Government policy in the Framework. The site is now vacant, but I do not consider that as part of a residential road in a suburban area it can reasonably be argued to have 'blended into the landscape'. This finding is also consistent with, and supportive of, the national policy imperative for the provision of more homes, as is made clear in the revised Framework and recent Written Ministerial Statements.
 8. The appellant has carried out a sequential test, but this is inevitably somewhat academic given firstly that site is part of an existing residential area and has a history of occupied dwellings, and secondly with the appellant already owning the site and relying on its inherent development value to achieve the appeal scheme. And given the specifics of its location there is clearly no purpose in marketing the site for alternative uses, all which would inevitably have an unacceptable effect on the residential amenity of South Crescent and Acacia Avenue.
 9. As regards the exception test, the site does not fall within the categories of housing that are deemed to have passed Part One. However, it is relevant in this case to consider that after the outline consent of 2015 for three dwellings had not been taken up, a fresh outline permission was granted for two dwellings on the site in June 2018, thereby prolonging the period of acceptability of the principle of the site's development from that allowed in the 2015 permission. And given that the 2018 permission was within a month of the date of adoption of the Local Plan, the Council would have been able to give full weight to the policies it is now using to refuse permission.
 10. In respect of Part Two, the requirement is to demonstrate in a site-specific flood risk assessment firstly that the development will provide wider sustainability benefits to the community that outweigh the flood risk and secondly that it would be safe for its lifetime taking account of the vulnerability of its users. On the first point, the Local Plan's Sustainability Appraisal Form includes Objective 6, to promote the efficient re-use of land and buildings for new developments and Objective 10 to support the provision of a range of house types. In addition, the site is in a sustainable location as regards proximity to services, whilst an additional dwelling would have short term

economic benefits through its construction and in the long term through occupiers using local facilities and contributing to the local economy.

11. As regards the second point on safety for users, the conditions suggested by the Council if the appeal is allowed would have the effect of ensuring that a dwelling on the site would almost certainly result in a level of safety significantly higher than all, or at least the great majority, of the many other dwellings in this part of the settlement including South Crescent and Acacia Avenue. Furthermore, it is a large site that with a single dwelling would pose considerably less flood risk than the permissions for two and three houses granted by the Council in the past decade but not implemented.
12. With this lower density of development there would be the opportunity for the Council to secure a design and layout of the plot that would maintain and possibly enhance the permeability of most of the land. And taking account of all the above factors outlined above, together with the conditions suggested by the Council in this appeal, I consider that with its planning history and a location with houses on three sides and South Crescent on the fourth, the planning balance weighs clearly in favour of the appeal scheme. In this context I note that the comment of the County Council on the application in their role as the 'Local Highway and Lead Local Flood Authority' was that the principle of the development is acceptable and '*would not be expected to increase surface water flood risk*'. Accordingly, the Authority did not wish to object to the application.
13. The Environment Agency ('the EA') did however object because the Flood Risk Assessment submitted with the application failed to assess the flood risks posed by the development and I acknowledge that this was an appropriate response to the consultation. However as explained, I am satisfied that this concern can be addressed in a reserved matters application after including conditions in this outline consent that adequately respond to East Lindsey's local flood risk standing advice for developments of this type and hazard category.

Other Matter

14. A neighbour has expressed concern that a two-storey dwelling would have an adverse effect on their light and privacy. However, consideration can be given to these issues in the submission of the reserved matters for approval.

Conclusion and Conditions

15. Overall, I find that to the extent that it can be argued the appeal scheme would not be in full compliance with the requirement for sustainable development in Local Plan Policy SP2 and the precautionary flood risk policies SP17 & SP18, there are material considerations as regards the planning history of the site and its location that on balance enable a grant of outline permission.
16. This would be subject to conditions and reserved matters that would combine to ensure the safeguarding of future occupiers for the lifetime of the development and preclude any adverse effect on neighbouring dwellings and their occupiers. On this basis I also conclude that the development would also comply with Government policies in the Framework when taken as a whole.
17. For these reasons the appeal is allowed. As regards conditions, I have considered the appellant's objection, when consulted, to the conditions

restricting the habitable accommodation only to the first floor. However, in allowing the appeal I have already given significant weight to the site's location in an established residential area and its planning history of residential occupation and subsequent applications and permissions. Having done so, I must now also give weight to the EA's objection.

18. I acknowledge that the restriction will be inconvenient, but it is in the public interest as well as the interests of future occupiers that safety is paramount. I am also of the view that with a single dwelling on a large site, there is scope for the detailed design and layout to facilitate a positive relationship between the habitable accommodation and the garden. A further provision as regards safety is the precautionary condition relating to contaminated land, whilst a condition limiting water use will conserve this valuable resource.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved;
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this Decision;
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved;
- 4) The development hereby permitted shall allow only for the development of one dwelling of two storeys in height;
- 5) The finished floor level of all habitable accommodation shall be no lower than 4.22 metres AOD (Above Ordnance Datum);
- 6) The property shall be two storeys with living rooms and bedrooms located on the first floor and the ground floor restricted to non-habitable uses only, including bathroom, utility room and garage;
- 7) The development hereby permitted shall be constructed to Building Regulation Part G(2)(b) standards limiting water consumption to 110 litres per person per day;
- 8) If during redevelopment contamination not previously considered is identified, the Local Planning Authority shall be notified in writing immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing. On completion of the development the Local Planning Authority shall be notified in writing if no additional contamination was identified during the course of the development and the dwelling hereby permitted shall not be occupied until the Local Planning Authority has acknowledged receipt of the same