



Appeal Decision

Site visit made on 15 July 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2025

Appeal Ref: APP/B1550/W/24/3354220

Meadow Cottage, Little Stambridge Hall Lane, Stambridge, Essex SS4 1EX

- 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 and Mrs Oxenham against the decision of Rochford District Council.
 - The application Ref is 22/00712/FUL.
 - The development proposed is the change of use of stable into self-contained annex for use as a holiday let and extension to the existing garage to create a new indoor BBQ space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the Council's decision notice rather than the application form, as this provides a more accurate description of the development shown on the submitted plans.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on flood risk.

Reasons

5. The appeal site is occupied by a two-storey detached dwelling with an ancillary detached garage outbuilding and a timber stable block. It is located within a rural area surrounded by open and undeveloped fields, in close proximity to the Greater Stambridge Brook. The majority of the appeal site is also located within flood zones 2 and 3 as defined on the Environment Agency Flood Risk Map for Planning.
6. The proposed development includes the conversion of the existing stable block into a self-contained annexe to be used as holiday let accommodation and a domestic extension to the existing garage. The conversion of the existing stables to an annexe for residential purposes, albeit short term holiday lets, would fall

under a more vulnerable use under 'Annex 4: Flood risk vulnerability classification' of the Framework.

7. Paragraph 181 of the Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that:
 - a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
8. As the appeal site is located within flood zones 2 and 3, as per footnote 63 of the Framework, the application is required to be supported by a site-specific flood-risk assessment. This was provided by the appellant as part of the application when requested by the Council.
9. However, the Environment Agency objected to the proposed development due to the lack of detailed modelling for the Greater Stambridge Brook within the flood risk assessment, which means that the full extent of the flooding from all sources is unknown. The flood risk assessment confirmed that due to the absence of any numerical flood modelling data provided by the Environment Agency for the site's location, it was not possible to calculate anticipated flood levels based on a flow change to account for climate change allowance for the flood risk assessment.
10. Whilst I understand that there may be a need for wider flood modelling in the area, accurate data from the flood modelling is still necessary to understand whether the mitigation proposed within the submitted flood risk assessment would suitably address and alleviate the flood concerns on the appeal site and in the surrounding area from the proposed development, particularly due to the more vulnerable use proposed. Therefore, as the flood risk assessment does not contain sufficient evidence on which to base a decision and to comply with paragraph 181 of the Framework, I am not convinced that the proposed development would not result in an increase in flood risk.
11. It is noted that the modelling of Greater Stambridge Brook required would be at a significant cost to the appellant. However, as it is necessary to demonstrate the impact of the proposed development on flood risk, it is something which would need to be provided by the appellant and it is not unreasonable to request that this is funded by them.

12. The appellant has highlighted various flood resilient measures which will be put in place for the proposed development including that the holiday makers using the holiday let accommodation will subscribe to Environment Agency flood alerts and depart the area in advance of any anticipated floods. The appellant would also raise sockets to an appropriate height, ensure flood gates are fitted to door openings and install non-return valves to foul water drainage. Guests would also be able to seek refuge on the first floor level of Meadow Cottage if necessary. However, whilst these measures would assist in providing a flood resilient scheme, they would not overcome the lack of data necessary to fully assess the flood risk on the appeal site and in the area and the resultant impact on this from the proposed development.
13. The appellant contends that there is no history of flooding on the appeal site, however there is no evidence to support this and it does not indicate that the site would not flood in the future. They also state that the proposed development would not increase surface water run-off, as there is no additional hardstanding. However, although this may be the case, objections in this instance relate to fluvial flood risk and, as established above, there is no reliable evidence to suggest that this type of flood risk would not increase.
14. Therefore, without sufficient evidence to demonstrate otherwise, the proposed development would be likely to increase flood risk and would conflict with the Framework as outlined above.

Other Matters

15. An application¹ for a similar development near the appeal site, at Waterside Farm, has been brought to my attention. This was granted planning permission subject to various conditions relating to flood resilience, despite objections from the Environment Agency in relation to flood risk. However, unlike in the appeal before me, the Council have confirmed that in the case of Waterside Farm there was enough site specific data to fully understand the impact on flood risk from the proposed development and any objections from the Environment Agency could be overcome by conditions. Therefore, this does not set a precedent for the appeal proposal before me.
16. The appellant indicates that the proposed development would support green tourism and the local economy by providing holiday let accommodation. However, due to its limited scale, I do not consider that the benefits of one holiday let unit would be sufficient to outweigh the harm identified in terms of flood risk.

Conclusion

17. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR

¹ 23/00261/FUL (Waterside Farm, The Chase, Paglesham)