



Appeal Decision

Site visit made on 29 July 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/H1840/W/25/3361204

Land to rear of 67 High Street, Droitwich

- 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 LLM Developments Ltd against the decision of Wychavon District Council.
 - The application Ref is W/24/00592/FUL.
 - The development proposed is redevelopment of car wash, after demolition of existing valet / store building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development above, the main element of the proposal is to create six offices.

Main Issue

3. The main issue is whether it has been demonstrated that the site is acceptable with respect to flood risk.

Reasons

4. The appeal site is located within flood zone 3 as defined on the Environment Agency flood maps. Policy SWDP28 of the South Worcestershire Development Plan (February 2016) (Local Plan) requires that proposals demonstrate that the sequential test has been met, unless they are for sites allocated in the Plan. Although the site is within the development boundary where the principle of development is accepted, it is not submitted that the site is allocated. Therefore a sequential test would be required.
5. A Flood Risk Assessment by Three Counties Flood Risk Assessment (FRA) has been submitted. However, it does not assess whether there are any sequentially preferable sites that could accommodate this form of development on sites at lower risk of flooding. The more recent position statement from Three Counties Flood Risk Assessment also does not address the sequential test. In the absence of such information, the proposal fails to satisfy Policy SWDP28 part A.i.
6. The National Planning Policy Framework (Framework) also requires that a sequential risk-based approach should be taken for proposals in areas known to be at risk of flooding. Consequently, both local and national policy require that the sequential test is the first step in considering whether the proposal could be accommodated on land in a lower area of flood risk. As this has not been carried

out, it has not been demonstrated that the site is acceptable with respect to flood risk.

7. The site is said not to have been subject to fluvial flooding and surface water is said to be controlled by on site drainage to the mains drainage. I accept that it is possible for properties to be built at a level above the flood plain. Details are provided in the FRA to establish the levels that would be necessary to achieve that here, with reference to EA flood levels on a nearby site. Moreover, in the event that the sequential test had been completed, it would be appropriate to consider whether the proposal would make adequate provision for floodplain compensation.
8. In that regard, the appellant's position statement sought to establish that flood compensation, comprising an area of 240 square metres and a depth of 0.065m, would be sufficient to compensate for the increase of 50 square metres of built form relative to existing built form. However, without further details a good deal of uncertainty remains on the suitability of such compensation. For example, beyond an outline on a plan and the above calculations, no detailed design has been provided and it is unclear how the proposal would manage water flows. The FRA also recommends that the proposal subscribes to the EA flood warning scheme and recommends that occupants leave the site at first warning. Whilst that may be an advisable approach, it is not appropriate to consider such initiatives without a sequential test having been undertaken to consider the principle of development in this location.
9. Policy SWDP29 of the Local Plan seeks to minimise flood risk, improve water quality and groundwater recharge and enhance biodiversity and amenity. The FRA confirms that the proposals are for water run off from the proposed building to be stored in another over capacity tank, next to the site. This would then release water at green field runoff rate to the existing drainage. Also, that surface water is recycled to the vehicle washing area. Reference is made to a sophisticated drainage system but insufficient details are before me to confirm whether or not this would satisfy the requirements of Policy SWDP29 on managing flood risk in a sustainable manner.
10. Whilst the Environment Agency flood mapping is high level, no substantive evidence is before me to indicate that the appeal site is anything other than flood zone 3. Both local and national policy seek first to locate development away from the areas at greatest risk of flooding. Therefore, for the above reasons, and in the absence of a sequential test, it has not been demonstrated that the site is acceptable with respect to flood risk. It therefore conflicts with Policies SWDP28 and SWDP29. It also conflicts with the approach in the Framework.

Conclusion

11. The proposal would make use of an existing urban site and provide new, purpose built office accommodation whilst retaining the car wash business. There would be associated economic benefits of construction and its operation within the town. However, given the flood risk concerns I cannot conclude that it would make effective use of the land. Therefore, for the above reasons the appeal should be dismissed.

Rachel Hall

INSPECTOR