



Appeal Decision

Site visit made on 31 July 2025

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/W0530/W/25/3365347

132 North End, Bassingbourn, Royston, SG8 5PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Ms Lisa Costello against the decision of South Cambridgeshire District Council.
 - The application Ref is 24/04275/PIP.
 - The development proposed is described on the application form as "Proposed dwelling house".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages:- the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage is when the detailed proposals are assessed. Planning permission does not exist unless both the permission in principle and technical details are approved. This appeal relates to the first of these 2 stages.
3. The scope of the considerations in an application for permission in principle is limited to location, land use and the amount of development permitted. It is not possible for conditions to be attached if permission in principle is granted and all other matters are considered as part of a subsequent technical details consent application. I have determined the appeal accordingly.
4. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only - showing what the development might look like if built on this site.

Main Issue

5. Within the scope of considerations that may be considered within an application for permission in principle, the main issue is the proposed land use and location of development, with particular regard to flood risk and whether the proposal satisfies the sequential test.

Reasons

6. The appeal site consists of a residential garden with detached outbuilding & 2 small timber sheds to the western side of an end of terrace 2-storey cottage in North End, a small settlement to the north of the village of Bassingbourn.
7. The appeal site and wider settlement of North End does not fall within any development framework identified in the Local Plan¹ and shown on the Policies Map, which means that it technically falls within the countryside for planning purposes. It also lies within flood zones 2 (medium probability of flooding) and 3a (high probability of flooding).
8. Policy CC/9 of the Local Plan states that in order to minimise flood risk, development will only be permitted where, amongst other things, the sequential test established by the Framework² demonstrates the development is acceptable.
9. Paragraph 170 of the Framework states that “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).” This is followed by Paragraph 173 which states that a “sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding”. Paragraph 174 then declares that “the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source” and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
10. Although Paragraph 175 of the Framework reinforces the need for a sequential test, it also states that this is not necessary in situations “where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk from flooding from any source now and in the future”.
11. The above Government policy is not isolated and must be read in conjunction with the PPG, which states that the sequential test “means avoiding, so far as possible, development in current and future medium and high flood risk areas” and that “Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.”³
12. When read together, the above Government policy & guidance therefore distinguish between flood avoidance and flood control/mitigation in the application of the sequential test. This means that where a development avoids flood risk, it need not be subject to the sequential test, but where a scheme would require measures to address flood risk it should still be subject to it.
13. In response to the revised flood risk assessment provided by the appellant (the ‘FRA’), the Environment Agency raised no objections subject to conditions. However, this response also stated that in accordance with Paragraph 175 of the

¹ South Cambridgeshire Local Plan, Adopted September 2018, South Cambridgeshire District Council.

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 12 December 2024 (as amended on 7 February 2025).

³ Paragraph: 023 Reference ID: 7-023-20220825, Revision date: 25 08 2022

Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Environment Agency then clarified that it was for the local planning authority to determine if a sequential test needs to be applied and whether there are other sites available at lower risk. This is the point of dispute between the parties as the Council considers the sequential test carried out by the appellant to be inadequate.

14. I recognise that the appellant's FRA demonstrates that the development would address flood risk at the site by flood resistant and resilience measures along with setting minimum finished floor levels. However, this does not alter the fact that the development would still be positioned in an area at risk from flooding now and require mitigation measures to avoid it. As a consequence it is my view that the scheme should be subject to the sequential test to accord with the local and national policy & guidance referred to above.
15. The appellant states that they have not searched beyond the appeal site for sequentially preferable sites at a lower risk of flooding as the dwelling needs to be located directly adjacent to their own property to enable them to provide care for their disabled mother. However, there is no evidence before me from her GP and/or other professionally qualified medical advisors that; (1) clarifies the nature of the care needs of the potential occupant arising from their disability and/or other conditions; and (2) demonstrates that these can only be provided in the location currently proposed (as opposed to within a dwelling further afield).
16. Whilst I recognise that it would undoubtedly be mutually beneficial to both the appellant and their mother for the dwelling to be positioned next door to enable general care and assistance to be provided (particularly given the appellant's work location), this alone (in the absence of any medical evidence) does not justify the failure to carry out a sequential test of sites further afield given the flood risk identified, particularly as such reasoning could be repeated too easily and often by others who find themselves in a similar position. There is as a consequence insufficient evidence for me to conclude that a wider sequential test need not take place to identify whether there are other sites that are both appropriate and reasonably available for the scheme at a lower risk of flooding.
17. In view of the above, I conclude that the proposal would conflict with Policies S/7 and CC/9 of the Local Plan, which collectively seek, amongst other things, to minimise flood risk by only permitting development where the sequential test, as established by the Framework, demonstrates it is acceptable.
18. I also find that the scheme conflicts with Chapter 14 of the Framework which seeks, amongst other things, to direct development away from areas at highest risk of flooding and the application of a sequential test.
19. I recognise that the scheme would enable the construction of a dwelling in close proximity to the appellant to enable them to provide care for their elderly and disabled mother, but in the absence of evidence that demonstrates that such care is essential and cannot be provided elsewhere or by alternative providers, I consider this benefit to be of limited value and outweighed by the harm arising from not steering development away from a flood zone where there is a high probability of flooding to one with a low risk.

20. Although the appellant states that the scheme would result in affordable housing in a village location, the development would not be administered by a Housing Association or other registered social landlord and hence would not constitute affordable housing in terms of the definition given in the Framework⁴. Neither has the appellant supplied a unilateral undertaking restricting the scheme to a single person and elderly/disabled accommodation or agreed to the imposition of a condition restricting it to this. I have as a consequence not considered these in the planning balance as if the scheme were allowed, it could subsequently be occupied by people; (1) of any age; (2) without any disabilities; and (3) who are not eligible for affordable housing. I do not as a consequence consider there to be wider sustainability benefits to the community as a result of the scheme that would outweigh the harm identified.
21. The appellant also states that the scheme passes the exception test, but this is not material to the outcome of my decision as this should only be considered following satisfactory application of the sequential test, which has not occurred in this instance. This is reinforced by the PPG which states “The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified.”⁵
22. In support of the appeal, the appellant has drawn my attention to another dwelling granted planning permission close to the site. However, this is not directly comparable in that it was located within a Flood Zone 1 area.
23. The appellant has also drawn my attention to the Council’s advice to explore the option of converting the existing outbuilding to an annexe to accommodate their mother’s needs (as this would not be subject to the sequential test). However, in view of the appellant’s own justification as to why this structure would not be suitable I consider there to be no reasonable likelihood that this development would take place. As a consequence, I have not given this fallback position any weight in my consideration.

Conclusion

24. For the reasons given above the appeal should be dismissed.

Robert Fallon

INSPECTOR

⁴ See Annex 2: Glossary.

⁵ Paragraph: 031 Reference ID: 7-031-20220825, Revision date: 25 08 2022.