
Appeal Decision

Site visit made on 18 December 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/V1260/W/25/3371011

Dorset Lake Manor, 155 Sandbanks Road, Poole BH14 8EL

- 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 JKA Property Ltd. against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/01329/F.
 - The development proposed is to extend the existing first floor of the rear building to create a 2 bedroom, 3 persons self-contained flat is being submitted. The proposal will provide a high quality and interesting new home to Poole.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In November 2025, the Environment Agency's updated flood mapping dataset (NaFRA2) was launched. This data introduces changes to the extent and severity of flood zones. Accordingly, the main parties were given an opportunity to comment on this data with regard to this appeal.

Background and Main Issue

3. The Council's second and third reasons for refusal allege that the appellant has not secured the necessary mitigation to demonstrate no adverse effects on the Dorset Heathlands or Poole Harbour European sites, as required under the Habitats Regulations. Consequently, in the absence of appropriate mitigation, the Council was not satisfied that there would be no harm to these protected sites, resulting in conflict with Policies PP32 and PP39 of the Poole Local Plan ('LP').
4. Further to the Council's statement of case, I have received confirmation that the required financial contributions to mitigate the impacts on the above European sites have now been paid. The submitted Unilateral Undertaking and updated appropriate assessment confirm this position. I have also considered these and have no reason to take a contrary view. As a result, the reasons for refusal relating to the European sites have been addressed and no longer form part of the outstanding issues in this appeal.
5. Accordingly, the main issue is whether the proposal represents an acceptable form of development having regard to flood risk.

Reasons

6. The National Planning Policy Framework ('the Framework') sets out clear tests to ensure that people and property are protected from all sources of flooding. Paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development to areas of lowest risk, whether present or future. Where development is necessary in such areas, it must be made safe for its lifetime without increasing flood risk elsewhere.
7. The Framework also requires a sequential, risk-based approach to individual applications in areas known to be at risk now or in the future from any form of flooding. This Sequential Test aims to direct new development to sites with the lowest flood risk, and development should not proceed where reasonably available alternative sites exist in areas of lower risk.
8. Paragraph 175 of the Framework explains that a Sequential Test is not required only where a site-specific FRA demonstrates that neither the development nor its access or escape routes would be at risk of flooding now or in the future.
9. The appellant refers to *Wathen-Fayed v Secretary of State* (2023), which confirms that the application of the Sequential Test is a matter of planning judgement rather than a rigid exercise. However, the judgment does not remove the requirement to apply the test where development lies within an area of future flood risk; it simply clarifies how that judgement should be exercised. The need to undertake the Sequential Test therefore remains where policy indicates it is required.
10. Moreover, the updated Planning Practice Guidance ('PPG') on Flood Risk and Coastal Change reaffirms that the Sequential Test must be applied to both major and non-major developments located in areas at risk of flooding, including future tidal flood-risk areas.
11. Paragraphs 023 and 024 of the PPG emphasise that the Sequential Test must consider current and future flood risk from all sources, ignoring the presence of flood defences at the initial stage. Developers must demonstrate that lower-risk sites are not available before proposing development in high-risk areas.
12. Paragraph 027 of the PPG confirms that the Sequential Test applies to this type of application, and exemptions only apply where a site-specific FRA can clearly demonstrate that no part of the development, including access and escape routes, would be at risk now or in the future. This exemption does not apply to tidal flood risk, which is treated more strictly than surface-water risk.
13. At the time the application was submitted, most of the site lay within Flood Zone 1, although a northern section fell within Flood Zones 2 and 3. The proposal introduces an additional residential unit with a garage, which is categorised as a more vulnerable land use. In addition, the appeal site, including the existing building and its access, lies within a Future Flood Zone (Tidal). Accordingly, a site-specific Flood Risk Assessment ('FRA') was submitted with the application.
14. The FRA drew on the Environment Agency's flood-mapping available at the time and confirmed that the appeal site is not at risk under present-day conditions. Flooding was only identified in the extreme tidal scenario projected for the year 2133. Even then, the FRA concludes that the proposed dwelling would remain dry, with only shallow flooding affecting the access road.

15. The FRA also advises that safe access would be available during current tidal and pluvial conditions, that a dry refuge area would remain on site during extreme future events, and that flood-warning and evacuation procedures would allow residents either to shelter safely or leave in advance.
16. The appellant did not undertake a Sequential Test, stating that it would fail when assessed against the Council's future tidal flood-risk mapping for the year 2133, and because the proposed dwelling would not be affected itself by flooding, just the access road, and only in extreme, 5% probability events, c.100 years from now (year 2133).
17. However, the Environment Agency's updated flood-mapping dataset (NaFRA2), incorporates updated future climate-change scenarios for 2070–2125. This fundamentally alters the assessment of flood risk at the appeal site. Under this updated dataset, the future tidal scenario (Future High Risk Flood Zone 3a) covers the entire site, leaving no part of the land outside the high-risk flood extent. This is a critical change and aligns with the conclusions of the Council's 2024 Strategic Flood Risk Assessment. As a result, there is no location within the appeal site that could provide a safe refuge or place of shelter for residents to remain in situ during a flood event.
18. Although the appellant's FRA was prepared on the basis of information available at the time of the application, this has now been superseded by more recent future flood-risk information and therefore no longer provides a reliable basis for assessing the proposal. The proposal would introduce additional built development into a high-risk flood zone. As updated modelling now shows the entire appeal site falling within future tidal Flood Zone 3a, the scheme would expose future residents to flood risk that the appellant has neither properly assessed nor demonstrated could be safely mitigated.
19. In view of the above, the appeal site is at high risk from tidal flooding, and there is insufficient information before me to be certain that it would be safe for its lifetime without increasing flood risk elsewhere. Furthermore, this proposal necessitates the application of the Sequential Test, and in its absence, I cannot be satisfied that there are no reasonably available sites for the development in areas of lower flood risk. The proposal has therefore failed to demonstrate that the appeal site is appropriate for the development with regard to flood risk.
20. Accordingly, the proposal conflicts with Policy PP38 of the LP, which, among other things, requires development to be directed away from areas at highest risk of flooding and to demonstrate, through the sequential approach and appropriate mitigation, that it will be safe for its lifetime without increasing flood risk elsewhere. I also find conflict with the similar aims of the Framework, which requires the sequential approach to be applied and for more vulnerable development to satisfy both the sequential and exception tests, including where future access and escape routes may be at risk.

Other considerations

21. The Council has about a 2.1 years supply of deliverable housing sites and its housing completions are below the 75% threshold. Therefore, paragraph 11(d) of the Framework applies.

22. However, given that the proposal conflicts with policies intended to protect areas at risk of flooding, as identified under Footnote 7 to Paragraph 11(d)(i) of the Framework, and because this provides a strong reason for refusal, the presumption in favour of sustainable development does not apply.
23. Nevertheless, the proposal would deliver an additional dwelling and garage, while supporting the effective and efficient use of land by making productive use of previously developed land to help meet identified housing needs. This aligns with national policy objectives that encourage optimising land availability, especially in areas where suitable sites are limited, and is particularly relevant given the Council's inability to demonstrate a sufficient supply of housing land.
24. Given the Council's current housing land supply shortfall, this represents an important benefit in line with the Framework's objective of significantly boosting the supply of homes. The appeal site is also in an accessible location, with convenient access to a range of shops, services and facilities, meaning that the new dwelling would be well-placed to support sustainable patterns of development.
25. The construction of the development would generate some economic activity. New residents would also support shops, services, and facilities in the area. Therefore, there would be some economic benefits arising from the proposal.
26. Together, these social, economic and environmental benefits align with the development plan and the Framework's overarching aims of delivering new dwellings in sustainable locations, supporting economic growth and improving environmental quality. However, while they contribute positively to those objectives, the weight they attract is tempered by the fact that the proposed development would be susceptible to flood risk. Accordingly, such benefits are only afforded limited weight.
27. The appellant's reliance on the Station Road, Tring appeal is misplaced, as that decision turned on different considerations, including the Inspector's finding that the proposal would cause only limited harm to the countryside while offering some support to local facilities. In contrast, although the delivery of a single dwelling is acknowledged as a benefit in the appeal before me, the weight it attracts is significantly reduced because the development would be susceptible to flood risk.
28. The appellant's reference to the Ham Road, Faversham appeal is not comparable. In that case, the Inspector found no "real-world harm" because robust mitigation ensured the development would remain safe for its lifetime. Here, no such certainty exists.
29. I also note that similar permissions have previously been granted at the appeal site but were never implemented. However, there is no certainty that those decisions were made under the same flood-risk conditions or policy framework that now applies. Accordingly, the other decisions and past approvals do not change my findings in respect of the main issue.

Planning balance and conclusion

30. While the proposal would deliver an additional dwelling and garage, the benefits associated with this attract only limited weight. Taken together, the other considerations advanced do not outweigh the identified harm or the conflict with the development plan.

31. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR