



Appeal Decision

Site visit made on 23 August 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/N2535/W/21/3276001

56 Saxilby Road, Sturton by Stow, Lincoln LN1 2AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms A Oliver against the decision of West Lindsey District Council.
 - The application Ref 141447, dated 31 July 2020, was refused by notice dated 9 December 2020.
 - The development proposed is outline planning application for 1no. single storey dwelling with access to be determined and all other matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal has been submitted in outline, with only access to be determined at this stage as required by the Council during the planning application process. I have determined this appeal on that basis, treating the possible proposed site plan as indicative.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Both main parties have had the opportunity to comment on any relevant implications for this appeal.

Main Issue

4. The main issue is flood risk.

Reasons

5. The appeal site is within Flood Zone 1, which represents a low probability of flooding from river or sea flooding. However, the Council has provided an extract from the Environment Agency's Flood Map for Planning which indicates that the site is at high risk from surface water flooding.
6. The Framework seeks to ensure that inappropriate development in areas at risk of flooding should be avoided, which includes all sources of flooding such as from surface water. Paragraph 162 of the Framework sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

7. I have had regard to the Flood Risk Assessment and Flood Risk Statement¹ (FRS). However, neither of these demonstrate that the site is not at risk of flooding, and the site levels in the FRS taken from LIDAR data indicate that the site is located in an area of surface water ponding.
8. Based on the evidence before me, the wider settlement is within Flood Zone 1 and is at low risk in respect of river and sea flooding, with only a limited area of the settlement at medium or high risk of surface water flooding. The proposal would therefore fail the sequential test as the evidence indicates that there are suitable sites at a lower risk of flooding within the wider settlement which could accommodate a single dwelling. Whilst a condition may be imposed in respect of surface water drainage, this would not negate the risk of surface water flooding affecting the appeal site and the application of the sequential test.
9. The FRS also indicates that the proposal could displace water which would increase flood depth by up to 20mm. Whilst the FRS submits that that figure is insignificant, and the appellant emphasises that the design of the dwelling may further reduce that figure, it has not been demonstrated that the proposal would not increase flood risk elsewhere. In any event, this would not negate my conclusions with regards to the sequential test.
10. The appellant questions the accuracy of the national mapping resource and whether it should be used on a site-specific basis. However, the Council refers to the suitability rating given by the Environment Agency for the surface water mapping which includes "Town to street". This indicates that the data is suitable for identifying which parts of this settlement are most at risk of flooding. More fundamentally, the evidence provided by the appellant does not disprove that the site is at risk from surface water flooding.
11. I am mindful that the Lead Local Flood Authority and the Environment Agency have not objected to the proposal. I have also had regard to the decisions on sites elsewhere referred to by the appellant, although I have not been provided with full details sufficient to determine if they represent a direct parallel to the appeal proposal, which I have determined on its own merits. These considerations do not lead me to a different conclusion on the matter of flood risk based on the submitted evidence as it applies to the appeal site.
12. In conclusion on the issue of flood risk, the proposal would fail the sequential test as required by the Framework. Consequently, the proposal would be contrary to policy LP14 of the Central Lincolnshire Local Plan 2016 which requires that development proposals will be considered against the Framework, including application of the sequential test. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

¹ Ref: RLC/0635/FRS/01 - 14/09/20