
Appeal Decision

Site visit made on 12 March 2015

by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26/03/2015

Appeal Ref: APP/H0520/A/14/2224053

**Land south of 75 Herne Road, Ramsey St Mary's, Huntingdon,
Cambridgeshire PE26 2SR**

- 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 Legrant Building Services against the decision of Huntingdonshire District Council.
 - The application Ref 1301961OUT, dated 03 December 2013, was refused by notice dated 26 February 2014.
 - The development proposed is the erection of 11 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reasons for refusal refer to emerging policies within the Stage 3 Huntingdonshire Local Plan to 2036. Paragraph 216 of the National Planning Policy Framework (the Framework) identifies that weight can be attached to emerging policies dependent upon the stage of preparation of the plan, the extent to which there are unresolved objections, and the consistency with the Framework. The plan is at a relatively early stage and has yet to be subjected to examination in public. No information has been submitted to enable me to determine whether there are any unresolved objections to the emerging policies referred to by the Council. On that basis, I can attach little weight to those policies in reaching my decision.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the surrounding area;
 - ii) Whether the proposal, and any future occupants, would be subjected to unacceptable risks from flooding and, whether the disposal of surface water drainage from the proposal would lead to an unacceptable risk of flooding elsewhere; and
 - iii) Whether the proposal would represent a sustainable form of development.

Reasons

Effect on the Character and Appearance of the Area

4. The appeal site is a flat arable field situated adjacent to Herne Road, the B1040, as it passes through Ramsey St. Mary's. The settlement is elongated with dwellings predominantly sat close to the roadside, with agricultural land in-between. The sprawling, scattered, nature of the built form, and the close relationship with adjacent farmland, give the area an unregulated quality that is typical of the Fenland landscape within which the site is located. The built form and the landscape play equal roles in defining the character of the area. Thus, the open land between buildings and the proximity of agricultural land to the highway are essential ingredients in the over-riding character and appearance of the locality.
5. Although the village is spread out along the roadside it does contain two sections where the settlement pattern is more concentrated. These two areas are defined by settlement boundaries within the Huntingdonshire Local Plan (1995) (the Local Plan); 'Ramsey St. Mary's A' covering the northern section of the village and 'Ramsey St. Mary's B' the smaller, southern end. In planning policy terms, the Local Plan classifies the intervening land between the two defined areas of the settlement as countryside. The appeal site falls within this area.
6. In my view, the site contributes positively to the prevailing character of the area and is a typical example of the direct relationship between farmland and the built form. The field runs up to the roadside, from which there are expansive views across the open landscape to the west. The open character of the land also plays an important role in separating the northern section of the village from other housing that is situated to the south.
7. The proposed development across this frontage would significantly erode the gaps between buildings and have an urbanising effect by reducing the prominence of the open, agricultural, landscape. Whilst ribbon development along the roadside is an integral part of the character of the village, it is interspersed with open countryside; the balance between the two elements is key to the established character. To my mind, the loss of open land and the expansion of the village in the manner proposed would not reflect that balance but would intensify the built form to the detriment of the rural character at the fringe of the more densely built northern section of the settlement. In my view, this would be harmful to the character and appearance of the area in a prominent location within the settlement.
8. There is no consistent building line within the village in terms of the way in which houses are set back behind the highway. Neither is there any consistency in terms of the design of individual properties. Consequently, the proposed layout, including the staggered building line and projecting garages, would not, of themselves, be at odds with the over-riding character. However, this does not alter my conclusion on the principle of the development and the harm that would be caused by the loss of the open character of the site, as described above.
9. Saved Local Plan policy En17 applies to development in the countryside outside the built up framework and seeks to limit the type of development that will be permitted within such locations. Residential development does not fall within

the list of exceptions. The explanatory text identifies that the rationale for the policy is to avoid sporadic building in the countryside, which could be visually intrusive, and lead to uneconomic demands on public services. Similarly, saved policy H23 applies a presumption against dwellings outside of environmental limits unless they are required for agricultural, forestry or horticultural purposes. The rationale notes that it is an important function of planning policies to protect the rural landscape. For the reasons given, I conclude that the development would harm the character of the landscape and be contrary to the objectives of policies En17 and H23 of the Local Plan.

10. Furthermore, the proposal would be contrary to the aims of Policy CS1 of the Huntingdonshire Core Strategy (2009) (the CS), which sets out a broad framework for sustainable development within the district based on environmental, social and economic factors, including, amongst other things, a requirement that development must preserve and enhance the distinctiveness of Huntingdonshire's towns, villages and landscapes.
11. To my mind, the aims of policies En17, H23 and CS1 are broadly consistent with those of the Framework with particular regard to the recognition of the intrinsic value and beauty of the countryside (paragraph 17). No evidence has been presented to suggest that any of the policies contradict the aims of the Framework and, in accordance with paragraph 215 of the Framework, I attach significant weight to each of the saved policies, insofar as they relate to the protection afforded to countryside beyond defined settlement limits. As prescribed by section 38(6) of the Planning and Compulsory Purchase Act 2004 I am required to determine the proposal in accordance with the development plan unless material considerations indicate otherwise.

Flood Risk

12. The appeal site lies within Flood Zone 3 of the Environment Agency's Flood Zone Maps and the Council's Strategic Flood Risk Assessment (SFRA) maps. It is also located within the district covered by the Ramsey Fourth (Middlemoor) Internal Drainage Board (the IDB) and is within a 'rapid inundation zone' from the old course of the River Nene. Thus, in terms of paragraph 100 of the Framework, the site is within an area identified to be at risk from flooding. Paragraph 101 requires that a sequential approach should be used in all areas known to be at risk from flooding, with the aim of steering new development to areas with the lowest possibility of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for development in areas with a lower probability of flooding.
13. The Planning Practice Guidance (the PPG) identifies that the local planning authority (LPA) is required to consider the extent to which the sequential test considerations have been satisfied, with advice from the Environment Agency, where necessary. The developer should justify, with evidence, what area of search has been used when making the application¹. In this case, the Flood Risk Assessment (FRA) submitted with the application did not identify an area of search supported by evidence for the sequential test to be undertaken.
14. The committee report states that the Council have undertaken a sequential test on the basis of the SFRA. I consider that it is reasonable for the search area to mirror the area covered by the SFRA in circumstances where the need for the

¹ Paragraph: 034 Reference ID: 7-034-20140306

proposed housing is not specific to the proposed location i.e. unlike a rural exceptions scheme where housing may be required to meet the needs of a particular settlement or location. The Council concluded that the proposed site fails to comply with the test on the basis that other sites are available in areas of lower flood risk, noting that they can demonstrate a five-year supply of deliverable housing land, with an additional 5% buffer, as required by paragraph 47 of the Framework. Thus, in their view, there is no need for further housing on land in areas with a greater risk of flooding. This assessment, which was available in the committee report prior to the application being determined, has not been challenged by the appellant. Consequently, on the basis of the information before me, the proposal fails to meet the sequential test.

15. The FRA submitted with the application suggests that the proposal may meet the sequential and exception tests on the basis that the site is protected by defences designed for a 1 in 100 year event. Such an approach does not conform to the way in which the sequential test should be considered, as set out within the PPG. The principle of the sequential test is to locate development, as far as possible, away from the risk of flooding. Only when that is not possible should measures for managing and mitigating the potential impact of flooding be considered. Thus, the fact that flood defences exist does not alter the aim of the sequential test in seeking to steer development to less vulnerable areas. The exception test is only applicable to circumstances where the development cannot be located in areas with a lower probability of flooding. As set out above, the evidence before me indicates that this is not applicable in relation to the appeal scheme.
16. Paragraph 101 of the Framework is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. On that basis alone, the proposal should not be permitted.
17. I also note that the Environment Agency raised specific concerns regarding the content of the FRA. In particular, they noted a lack of modelled levels or flows to substantiate the claim that the standard of drainage within the IDB district was to a '1 in 50 year return period'. They also suggested standard of protection, at 1 in 50 years was below that required for more vulnerable categories of development. With regard to proposed mitigation, they highlighted concerns that raised floor levels could have consequences in terms of the displacement of flood water, with an increased risk of flooding elsewhere, and were not satisfied with the stated reliance upon the level of service offered by the Middle Level Commissioners in the event of flooding within the Rapid Inundation Zone. Furthermore, the IDB objected on the grounds that the FRA failed to demonstrate that surface and foul water drainage could be accommodated without increasing the risk of flooding elsewhere.
18. No information has been submitted with the appeal in response to the concerns raised by the Environment Agency or the IDB and, on the information before me, it is not clear that any residents of the proposed development would be adequately protected from the risk of flooding, or that the development would not increase the risk of flooding elsewhere.

19. However, as set out above, it is only necessary to consider site specific mitigation measures in circumstances where a proposal complies with the sequential test. The Council's conclusions on the sequential test have not been challenged through the submission of information in relation to the appeal and, on that basis, the proposal would fail to comply with the requirements of the Framework with regard to flood risk. It would also be contrary to the requirements of saved policies CS8 and CS9 of the Local Plan and policy CS1 of the CS which identifies the management of flood risk as a matter that will be considered in the determination of planning applications.

Sustainable Development

20. The Framework identifies three, mutually dependent, strands to sustainable development; economic, social and environmental. Although adopted prior to the publication of the Framework, those strands are identified as the cornerstone of the Council's planning policy strategy, as identified in policy CS1 of the CS. In economic terms, the provision of housing would bring benefits to the local economy through the construction phase, and through the spending power of additional residents.
21. However, policy CS3 of the CS identifies a settlement hierarchy for the district based upon an over-arching spatial strategy. That strategy is multi-faceted but aims to facilitate the efficient use of land and resources by locating development in sustainable locations, depending upon the scale of settlement and access to services and facilities. The proposal would result in the dispersal of residential development, on land beyond defined settlement limits, and would not conform to that policy. To my mind, the location of the development, some distance from a full range of shops and employment opportunities, would negate any economic benefit to a substantial degree and would have environmental consequences as a result of the need to travel substantial distances to access those facilities.
22. Similarly, the social role of sustainable development, as set out at paragraph 7 of the Framework, seeks to create environments with accessible local services that meet the needs of the community. The strategy within the CS is consistent with these aims and a dispersed settlement pattern, of the kind proposed, would make the delivery of local services more difficult to accommodate. Thus, there would be no significant social benefits resulting from the proposed scheme which would have access to a very limited range of services in the adjacent village.
23. In addition, I have identified environmental harm in terms of the character and appearance of the area and the dangers posed by flood risk. When considered in the round, based on the three-stranded definition within the Framework, and the criteria set out within policy CS1 of the CS, the proposal would not represent a sustainable form of development.

Other Matters

24. I have considered the proposal on its individual merits on the basis of the information before me. The appellant has referred to a number of cases where developments of more than three dwellings have been approved within Ramsey St. Mary's, namely those at Estelle Close, Fisher's Close and the development at Herne Road/ Holme Road. I have not been provided with full details of those

schemes but note, from the response of the Council, that all of these schemes were approved prior to the adoption of the CS in 2009.

25. Thus, the local and national policy context has changed since that time and the fact that those developments have been permitted does not have a bearing on my determination of the appeal before me which must be made on its individual merits.

Conclusion

26. I am required to determine the appeal in line with the development plan unless material considerations indicate otherwise. The proposal would be contrary to the development plan for the area by virtue of its location, outside the defined boundary of the village and would be contrary to adopted policies aimed at delivering sustainable development, protecting the character and appearance of the countryside, and ensuring that development takes account of the need to manage flood risk. Insofar as they are relevant to this appeal, I am satisfied that the policies of the development plan are consistent with the Framework.
27. No material considerations have been presented that would outweigh the conflict with the development plan and the harm that would result from the proposal. In view of this, and taking all other matters into account, I conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR