The Planning Inspectorate

Appeal Decision

Site visit made on 9 March 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2020

Appeal Ref: APP/H0520/W/19/3242153
Land on south side of Middle Drove, Ramsay Heights PE26 2RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Wall against the decision of Huntingdonshire District Council.
- The application Ref 18/01249/FUL, dated 11 June 2018, was refused by notice dated 11 June 2019.
- The development proposed is described as undertake landscaping and building works to an existing site to create equestrian facilities and grazing land. The proposals will include a hard standing at the front of the site, stables, barn, mobile home, and fenced off areas to create grazing land.

Decision

1. The appeal is dismissed.

Preliminary matter

2. A signed and dated Unilateral Undertaking has been submitted as part of the appeal securing the provision of a contribution to facilitate a wheeled bin at the appeal site. The Council has confirmed that this adequately addresses its reason for refusal regarding the issue. From the evidence before me I am satisfied that the UU meets the tests within the National Planning Policy Framework (the Framework) and the Community Infrastructure Levy Regulations 2010 and therefore see no reason to disagree. I have considered the appeal on this basis.

Main Issues

3. The main issues are:

- whether the appeal site represents an appropriate location for residential development, with particular reference to flood risk;
- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on highway safety

Reasons

Flood risk

4. The appeal site is located in Flood Zone 3a as defined within the Environment Agency's latest flood map for planning and the Council's 2010 and 2017

Strategic Flood Risk Assessment. This is not disputed by the appellants. Paragraph 066 Reference ID: 7-066-20140306 of the Planning Practice Guidance (PPG) states that caravans, mobile homes and park homes intended for permanent residential use are identified as highly vulnerable. Table 3 within paragraph 067 Reference ID: 7-067-20140306 of the PPG states that highly vulnerable development within Flood Zone 3 should not be permitted.

5. The appellants and their Flood Risk Assessment state that homes not to be used as permanent residential dwellings should be classed as less vulnerable. However, there is little conclusive evidence before me to suggest that the proposal is for temporary accommodation. Indeed, it is argued that the mobile home is essential to serve the equestrian use as the site would require 24-hour supervision. The proposed mobile home has three bedrooms and full facilities to allow permanent occupancy.

6. In addition, paragraphs 157 and 158 of the Framework require decision makers to steer new development to areas at the lowest probability of flooding by applying a Sequential Test to those developments on sites in areas at risk of flooding and not already allocated within the development plan. The PPG indicates that the aim is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered (taking into account the flood risk vulnerability of land uses and applying the Exception Test if required). This approach is also reflected in the Cambridgeshire Flood and Water Supplementary Planning Document 2017

7. I have not been provided with any substantive evidence to show that a robust search for reasonably available sites for the proposal in Flood Zone 1 has been undertaken and that this search revealed no such sites to be available.

8. I acknowledge that in its letter dated 15 September 2018 the Environment Agency raises no objections to the proposal subject to various conditions. However, the Sequential Test has not been met and the PPG advises that highly vulnerable development should not be permitted in Flood Zone 3a.

9. I am aware that planning permission has been granted for other mobile homes along Middle Drove. However, the Council advises that these relate to Gypsy and Traveller sites. The Council recognised that at the time of consideration there was an unmet need to provide such accommodation, therefore in applying the Sequential Test there were no other suitably sited or available sites. Consequently, the Sequential Test was passed.

10. The buildings may be located on land within the site at the lowest risk of surface water flooding, and there would be limited groundworks. Nevertheless, the whole site is within Flood Zone 3a which would still be at high risk of flooding and consequent potential harm to property and people which the Framework seeks to avoid. It therefore falls to be determined with regard to relevant policy and advice. I also recognise that the FRA may include appropriate flood resistance and resilience measures, but it has still not been appropriately demonstrated, as required, that the proposal could not be located in an area with a lower risk of flooding. Therefore, I conclude that, the appeal site does not represent an appropriate location for residential development,

with particular reference to flood risk. As a consequence, it would be contrary to Policy LP5 of the Local Plan. This states, amongst other things, that development will only be accepted where the sequential approach and sequential test are applied and passed, having regard to actual and residual flood risk and including consideration of the impact of climate change.

Character and appearance

11. Middle Drove is characterised by sporadic development within the low lying flat fenland landscape. Development is a mix of brick built housing and mobile homes and caravans, mostly set close to Middle Drove, interspersed by open fields and paddocks with stables.

12. The appeal site forms a large open field. To the east are mobile homes. The open undeveloped nature of the site contributes positively to the area allowing long distance views to the surrounding open countryside.

13. The siting of structures on the appeal site would inevitably alter its character. However, the introduction of a stable building to the rear of the site, would be similar to others in the area and would facilitate the use of the land for equestrian purposes, reflective of surrounding land use. As a result, it would not be overly obtrusive and would integrate effectively into the countryside environment.

14. The proposed mobile home would be a smaller structure than the stables and sited forward in the site, although still some distance from Middle Drove. This would be different to the mainly ribbon style of development in the area. Nevertheless, it would retain some separation from the homes to the east and the vast majority of the appeal site would remain open and undeveloped, such that the sporadic nature of development along Middle Drove would be maintained. Furthermore, given that there would only be one mobile home, together with its modest size, and single storey nature means it would not be overly obtrusive within the wider landscape. Moreover, views would still be apparent across the site to the wider countryside.

15. The appellant proposes a line of conifers along the eastern boundary of the appeal site. I noted at my site visit that there are areas of conifer planting along Middle Drove, but these are visually dominant in an area that is relatively sparsely planted, allowing long distance views over the low lying landscape. However, the appellants have stated that they would be content with a condition imposed on any permission to secure a suitable landscaping scheme. This would seem an appropriate way to achieve an acceptable scheme for the appeal site, should the proposal be otherwise acceptable.

16. For the reasons above, I conclude that the proposal would not be materially harmful to the character and appearance of the area. There would therefore be no conflict with Policies LP10, LP11 and LP12 of the Huntingdonshire Local Plan to 2036 (the Local Plan). These require, amongst other things that development recognises the intrinsic character and beauty of the countryside , responds positively to its context and the areas character and identity and successfully integrates with the landscape.

Highway safety

17. Middle Drove varies in width along its length and has poor quality surfacing. At its junction with Uggmere Court Road it comprises a carriageway metalled

surface of about 4.4 m width. The concern of the Highway Authority relates to vehicles having to stop and wait on Uggmere Court Road while vehicles exit Middle Drove, as there is insufficient width to accommodate two vehicles on Middle Drove. It considers that the potential vehicle conflict is to the detriment of highway safety. According to the Highway Authority the road already serves about 18 dwellings, the determinative issue is therefore whether the intensification of the use of Middle Drove, as a consequence of the proposal, would lead to material harm to highway safety.

18. Details of vehicle movements were requested by the Council during the application process. Within their appeal statement, the appellants confirm that the proposed development is not for a commercial site and that vehicular movements would be limited to those associated with the mobile home. This was subsequently confirmed by the appellants in an email dated 12 March 2020.

19. Given that horse boxes would only be used in emergencies, then trip rates from the equestrian use would be very limited. In the absence of trip rates to suggest otherwise, a single dwelling would only generate a minimal amount of traffic which would be imperceptible against existing flows along the non-adopted drive. Therefore, and bearing in mind that the road already serves about 18 dwellings, as a piece of basic arithmetic, it cannot be reasonably argued that the dwelling would lead to a material intensification of traffic movements on Middle Drove. On that basis, it follows that there would be no material increase in turning manoeuvres to/from Uggmere Court Road.

20. Furthermore, while I accept that there has been recent intensification of the use of the access, the road is not a through route and has good visibility along its length and at the junction. Moreover, I have not been advised of any history of accidents in connection with the use of Middle Drove or its junction with Uggmere Court Road. Therefore, based on the evidence before me, I am satisfied that the one additional dwelling would not be materially harmful to highway safety.

21. Consequently, there would be no conflict with Policies LP16 and LP17 of the Local Plan. These require, amongst other things, that safe physical access from a public highway can be achieved and development considers the highway safety and access to and from the site.

22. The Council also refers to Policy LP1 of the Local Plan in its reason for refusal. However, this policy relates to the amount of development to be accommodated in the District. It has not therefore been determinative with regard to highway safety.

Other matters

23. Although it is argued that the mobile home is essential to serve the equestrian use as the site would require 24-hour supervision, there is no conclusive evidence before me to demonstrate that there would be a security risk. Furthermore, the supporting text to Policy LP20 of the Local Plan states that whilst security issues can contribute to functional need, this factor cannot be used to justify a dwelling on its own.

Planning balance and conclusion

24. The lack of harm to the character and appearance of the area and highway safety are neutral in any planning balance.

25. The proposal would result in the addition of a house to the local housing stock. While there is no dispute that the Council is able to demonstrate a five year housing land supply, I am mindful of the Government's intention to significantly boost the supply of housing. Furthermore, future occupiers would contribute to the local economy. However, those benefits, even when taken together, would not be sufficient in my view to outweigh the conflict with the development plan and the harm that I have identified. There are no persuasive material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan.

26. For the reasons set out above, and having regard to all other matters raised, I conclude on balance that the appeal should be dismissed.

Zoe Raygen

INSPECTOR