

<b>APPLICATION NO</b>	<b>PA/2015/0162</b>
<b>APPLICANT</b>	Mr W Mason
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling (all matters reserved for subsequent approval) (resubmission of PA/2013/0895)
<b>LOCATION</b>	Land adjacent to 95 Godnow Road, Crowle
<b>PARISH</b>	<b>CROWLE</b>
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Applicant request to address the committee

## **POLICIES**

**National Planning Policy Framework:** Paragraph 49 – Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 – Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Paragraph 100 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 101 – The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding... A sequential approach should be used in areas known to be at risk from any form of flooding.

Paragraph 102 – If, following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the exception test can be applied if appropriate. For the exception test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk;
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

Both elements of the test will have to be passed for the development to be allocated or permitted.

Paragraph 103 – When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test, and if required the exception test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

The Planning Practice Guidance (PPG) sets out further guidance to ensure the effective implementation of the planning policy contained within the NPPF on development in areas at risk of flooding.

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements)

Policy DS16 (Flood Risk)

Policy RD2 (Development in the Open Countryside)

Policy H8 (Housing Design and Housing Mix)

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS19 (Flood Risk)

## **CONSULTATIONS**

**Highways:** Recommend conditions should the development be approved.

**Drainage:** No objection subject to conditions.

**Environment Agency:** No objection subject to conditions.

## **TOWN COUNCIL**

No response received.

## **PUBLICITY**

Neighbouring properties have been notified by letter. One letter of objection has been received on the following grounds:

- The development is not infill as implied.
- The development is still located outside the defined development boundary for Crowle.
- This development has already been refused once at committee; the applicant did not appeal this refusal and the re-submission does not deal with the reasons for refusal.
- No details of the proposed property are provided.

## **ASSESSMENT**

The application site comprises a parcel of land in the open countryside, fronting onto Godnow Road, Crowle. The site is bounded to the north-east by 93 Godnow Road, to the north-west and south-east by open countryside and to the south by Oakley Stables. The site lies outside the defined development boundary for Crowle, which runs along the southern boundary of 93 Godnow Road, as shown on Proposal Map 13 of the North Lincolnshire Local Plan. The site is also located within flood zone 2/3a of the Strategic Flood Risk Assessment for North Lincolnshire and as such is considered to be at high risk of flooding.

This application seeks outline planning permission for the erection of a detached dwelling with all matters reserved for subsequent approval (scale, design, layout, access and landscaping).

A previous planning application for the same development (PA/2013/0895) was refused permission by the planning committee on the grounds that it constituted unjustified residential development in the open countryside. The current scheme is identical to this previous application; however the applicant has now submitted a supporting planning statement.

**The key issue to consider in the determination of this application is whether the proposed development complies with national planning policy as set out in the National Planning Policy Framework, and local planning policy set out in the North Lincolnshire Local Plan and the Core Strategy with regard to flood risk and development in the countryside.**

The site is located outside the defined development boundary for Crowle and as such is located within the open countryside for the purposes of planning. Policies CS2 and CS3 of the Core Strategy for North Lincolnshire state that development taking place outside defined development limits will be restricted and that only development which is essential to the functioning of the countryside will be allowed to take place. These policies suggest that such development might include that which is related to agriculture, forestry or other uses which require a countryside location, or development which will contribute to the sustainable development of the tourist industry. Policy RD2 of the North Lincolnshire Local Plan takes a consistent approach by stating that development in the open countryside will be strictly controlled and sets out a similar list of developments that may be considered acceptable outside of defined development limits.

The proposed development would result in the erection of a new dwelling in the open countryside. This dwelling is not related to agriculture, forestry, tourism, or any other countryside need. The applicant has submitted a supporting statement as part of the application and this document seeks to justify the erection of a dwelling within the countryside. The supporting statement asserts an understanding that the development limit is a guide only; this is not the case as the development limit for Crowle is part of the council's adopted policy which governs development in the area. The supporting statement also states that the precedent of residential development outside of the development limit has been established by recent development at Oakley Stables further along Godnow Road; however it should be noted that the consent for a dwelling at Oakley Stables, which dates back to 2005, was granted on the basis that this dwelling was essential to the efficient operation of a rural business. The remainder of the justification put forward relates to the presumption in favour of sustainable development set out within the NPPF. The application site is located in the open countryside, a significant distance from local facilities and is also within an area at high risk of flooding and for these reasons is not considered to be a sustainable location for residential development. Therefore, it is considered that insufficient evidence has been provided to demonstrate that there is a special need for a dwelling in the open countryside. On this basis it is considered that the proposed development is contrary to policies CS2 and CS3 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan and as such is unacceptable in principle.

Whilst the application site does abut the development boundary, it marks a clear separation between the built development and the surrounding countryside. The proposed development, if approved, would erode the principle of the defined settlement boundary and may provide pressure for further encroachment into the countryside.

The piece of land in question is of an adequate size to accommodate a detached dwelling and its associated garden space that would not be out of keeping with neighbouring properties in the area. The development pattern along Godnow Road is predominantly linear, frontage development, with dwellings having long, spacious rear gardens and the proposed development could easily be designed to be sympathetic to this pattern of development. Furthermore, there is adequate space within the site to suggest that a dwelling could be designed to avoid any unacceptable loss of residential amenity to neighbouring properties as a result of loss of light or overlooking. Therefore it is considered that the proposed development would not be unacceptable in terms of visual amenity or residential amenity.

The council's Highways department has been consulted and has raised no concerns with the proposed development with regard to highway safety subject to the imposition of several planning conditions.

With regard to flood risk, the site is located within an area designated as being of high flood risk and the proposed dwelling constitutes a 'more vulnerable' use as defined in the Planning Practice Guidance. Both local planning policy relating to development and flood risk (policy CS19 of the Core Strategy) and national policy set out in the NPPF state that new residential development will only be allowed in areas of high flood risk providing it passes a sequential test. This sequential test considers whether there are sites located in areas of lower risk of flooding that are reasonably available and are suitable for the proposed development. This sequential approach to flood risk is intended to steer new residential development to areas at low risk of flooding where possible. The applicants have provided a Flood Risk Assessment as part of the application and this document contains a chapter headed 'Sequential Test'. However this document does not consider other sites

within Crowle, which has areas at lower risk of flooding (Flood Zone 1), that may be available. Instead it relies on the fact that the applicant does not own any other sites and on this basis rules out any other sites within the settlement. This approach to the sequential test does not comply with guidance set out in the Planning Practice Guidance. For these reasons the proposed development fails the sequential test as there are potentially sites at lower risk of flooding within the settlement which are reasonably available and appropriate for the erection of a single dwelling. As such the proposal is contrary to policy CS19 of the Core Strategy and paragraphs 100 and 101 of the National Policy Framework.

**RECOMMENDATION      Refuse permission for the following reasons:**

1.

The proposed residential development is classified as 'more vulnerable' in terms of flood risk vulnerability and the site is located in flood zone 2/3a as defined in the Strategic Flood Risk Assessment for North Lincolnshire. The Planning Practice Guidance states that the development should only be allowed where it passes the sequential and exceptions test. Insufficient evidence has been provided to demonstrate that there are no alternative sites for residential development within Crowle at a lower risk of flooding and as such the proposal fails the sequential test for flooding. The proposal is therefore contrary to policy CS19 of the Core Strategy for North Lincolnshire and paragraphs 100 and 101 of the National Planning Policy Framework.

2.

The application site lies outside the defined development boundary for Crowle and as such is located in the open countryside. Insufficient evidence has been provided to justify a special need for a dwelling in this location and the dwelling is not linked to agriculture, forestry or tourism. The proposal is therefore contrary to policies CS2 and CS3 of the Core Strategy for North Lincolnshire and RD2 of the North Lincolnshire Local Plan.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

