



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/02/20

gan H C Davies BA (Hons) Dip UP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01.04.2020

## Appeal Decision

Site visit made on 28/02/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 01.04.2020

**Appeal Ref: APP/T6850/A/19/3243499**

**Site address: land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys LD5 4RR**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- 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 Robert Grimes against the decision of Powys County Council.
- The application Ref 19/0200/FUL, dated 01 February 2019, was refused by notice dated 06 December 2019.
- The development proposed is 'erection of a holiday let and all associated works'.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have used the Council's descriptions for the development and the appeal site as taken from the decision notice and subsequently used in the appeal form, as they are more accurate.

## Main Issue

3. This is whether the development would comply with national and local planning policies relating to development in areas at risk of flooding.

## Reasons

4. The appeal relates to an area of land located immediately adjacent to Lakeside Cottage, just south of Abernant Lake and north of the River Irfon.
5. Planning Policy Wales, Edition 10 (PPW), aims to reduce environmental risk. Paragraph 6.6.22 states that "Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers." Paragraph 6.6.25 further says that "Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself."
6. The appeal site falls entirely within Zone C2 as defined on the Development Advice Maps that accompany the Welsh Government's Technical Advice Note 15 "Development and Flood Risk" (TAN 15). Zone C2 is described as areas of the

floodplain without significant flood defence infrastructure. As the development proposed is a residential premise it also represents highly vulnerable development for the purposes of that document. Paragraph 6.2 of TAN 15 advises that in Zone C2 'highly vulnerable development' should not be permitted. As such, the development is contrary to national policy.

7. I note that a Flood Consequences Assessment (FCA) has been provided. However, TAN 15 is clear that justification and acceptability tests do not apply to highly vulnerable development in Zone C2. In any event, whilst the FCA indicates that a raised building on stilts with a finished floor level of 189.60m AOD would be 300mm above the estimated 1: 100 year fluvial event flood levels, flood depths in external areas of the site will still be in excess of the 300mm. Notwithstanding the lack of modelling data available from Natural Resources Wales (NRW) there is also little information on predicted flood velocities or the speed of inundation. The FCA also indicates that occupants would remain in the building in the event of a flood but there is no information on flood risk to the access and egress routes to the development, which are also in Zone C2. Moreover, NRW has concerns with the difficulty of maintaining free passage of water beneath the development. A condition is suggested to overcome this but in the absence of any substantive detail to demonstrate how the voids would be maintained and managed I do not know if this would be an acceptable resolution. In the circumstances, it has not been demonstrated that the risks from flooding can be managed to an acceptable level. I note the appellant's comments regarding the accuracy of NRW's flood probability model and the suggestion that there is no historic record of flooding to the site. However, NRW has verified that flood map information confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Irfon, a designated main river.
8. I conclude that the proposal would result in an unacceptable risk of flooding and would represent a clear departure from national planning policy set out in PPW and TAN 15. For the same reasons, it would conflict with the flood risk objectives of Policy DM5 of the Powys Local Development Plan 2011-2026.
9. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and building resilient communities.

## **Conclusion**

12. For the aforementioned reasons, and taking into account all matters raised, I conclude that the appeal should be dismissed.

*H C Davies*

Inspector