



Appeal Decision

Site visit made on 6 January 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2025

Appeal Ref: APP/H1033/W/24/3348363

Land at Blackshaw Clough, Glossop SK13 7QR

Easting: 404333, Northing: 395131

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mandale Homes against High Peak Borough Council.
 - The application Ref is HPK/2024/0041.
 - The development proposed is residential development of up to 2no. dwellings with all matters reserved.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The application was submitted in outline with all matters (access, appearance, landscaping, layout, and scale) reserved for subsequent approval. I have therefore dealt with the appeal on that basis, treating the plans as illustrative only.
3. The appeal is made following the failure of the Council to give notice of their decision on the application within the statutory period. The Council has since provided a Delegated Officer Report which has confirmed that were they to have issued a decision, they would have refused planning permission. I have taken this to be the decision which the Council would have made had it been empowered to do so.

Main Issue

4. Given the foregoing, the main issue raised by this appeal is whether the appeal site is a suitable location for housing having regard to the risk of surface water flooding.

Reasons

5. The appeal site is undeveloped agricultural land to the rear of a recently constructed housing development (existing development) on the edge of Glossop. The land is located off Blackshaw Clough and slopes down significantly from the road.
6. The main parties have highlighted that the appeal site is allocated for housing¹ in Policy H2 of the High Peak Local Plan 2016 (the Local Plan). The site also lies in

¹ G12 Bute Street allocation

Flood Zone 1 which represents the lowest risk of flooding from rivers or the sea and is less than a hectare in size.

7. Policy EQ11 of the Local Plan sets out that development proposals will be supported that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. The policy's supporting text at paragraph 5.102 indicates that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Development proposals should include an indicative drainage strategy to demonstrate how sustainable drainage will be incorporated into the development. This is broadly consistent with the National Planning Policy Framework (the Framework).
8. Paragraph 181 of the Framework advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site-specific flood risk assessment. Footnote 63 of the Framework states that a flood risk assessment should accompany all proposals involving land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. Two new dwellings on the appeal site, compared to its current use, would be considered a use which is more vulnerable to flooding.
9. Additionally, paragraph 182 of the Framework also identifies that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.
10. The appeal is not supported by a site-specific Flood Risk Assessment (FRA) or surface water drainage plans and other supporting or additional information, and the Lead Local Flood Authority (LLFA) has raised objections to the proposed development.
11. The LLFA are not satisfied that an overflow channel, which runs in between the appeal site and the rear boundaries of properties on the existing development, can accommodate the additional surface water run-off without detriment to flood risk. There are also associated concerns about the raising of land levels adjacent to the watercourse which could lead to flooding elsewhere. Therefore, notwithstanding that United Utilities and the Environment Agency have raised no objections, I attach significant weight to the concerns and position set out by the LLFA.
12. The appellant suggests that since the planning application was submitted, they are not aware of any flooding or overflow related incidents on the site within that period. The appellant also identifies that engineering works in or around the overflow were always likely to be necessary to deliver new housing in line with the housing allocation on the site and that a surface water solution that avoids directing water towards the overflow is possible. Nonetheless, the LLFA has identified that alterations to the watercourse were made during the construction of the existing development. As such, I am mindful that the implications of those works have not been robustly addressed and there is a lack of specific detail regarding land levels around the watercourse and the effect on flood risk.
13. Therefore, on the evidence before me, I cannot be satisfied that the identified concerns of the LLFA can be adequately resolved, and flood risks can be

satisfactorily mitigated both on and off site. As a result, although the proposal is for two dwellings and the application is an outline application with all matters of detail reserved for subsequent approval, without an FRA and associated surface water drainage information, the effect of the proposed development on flood risk elsewhere is unknown.

14. The appellant suggests that a Grampian condition could be imposed to secure reconstruction works to the overflow to the satisfaction of the LLFA. However, having regard to the Framework and national Planning Practice Guidance, and given the absence of substantive details, I am not satisfied that there would be a reasonable prospect of reconstruction works to the overflow being undertaken within the statutory time limit applied to the grant of planning permission. As a result, the imposition of a Grampian condition would not be reasonable or enforceable.
15. Consequently, on the evidence before me, it has not been demonstrated that the proposed development would minimise the risk of flooding. For these reasons, I conclude that the proposed development is not a suitable location for housing having regard to the risk of surface water flooding. Therefore, the proposal is contrary to Policy EQ11 of the Local Plan and paragraphs 181 and 182 of the Framework.

Other Matters

16. The appellant has identified that the Council has raised no concerns with regard to the principle of the development and has not raised any highway safety concerns. I see no reason to disagree with the parties on these matters.
17. The creation of two additional dwellings in an accessible area would contribute to boosting the supply and mix of new housing, as referenced in the Framework. There would also be social and economic benefits to local services during the construction and occupancy phases. However, these benefits would be limited by virtue of the proposal only adding two dwellings to the housing supply in the area. Consequently, the benefits would not outweigh the identified harm that would be caused from the risk of surface water flooding.
18. I also acknowledge the appellants comments with regard to the Council's lack of feedback and active discussions during the application process. However, I confirm that I have considered the proposed development on its planning merits.

Conclusion

19. For the reasons given above, I have found that the proposed development would conflict with policies contained within the development plan. I have found no other material circumstances that would outweigh that conflict. As such, I conclude that the appeal should be dismissed and planning permission refused.

N Bromley

INSPECTOR