



Why has our Flood Zone house been rejected?

Our plans for a dwelling in a Flood Zone 3 have been rejected. One week before the outcome, the case officer supported our plans. However, the chief planning officer refused the application on the grounds of the exception test. Planning was recently granted for a house close by in the same zone — is there anything we can do?

Guidance within PPS25 'Development and Flood Risk' specifies that within a Flood Zone 3 a sequential test should first be applied and, if passed, followed by an exception test. The exception test is a planning judgement on whether, in principle, a development should be allowed in this medium- to high-risk Flood Zone.

Whilst the LPA (local planning authority) should apply the relevant tests, I do have concerns as to why a week before the decision the case officer maintained a position of support. This appears to be bad practice, especially as the dwelling in close proximity to your site has been permitted.

If this project is similar to yours then you should consider a planning appeal. In addition, there is an option to refer the LPA to the Local Government Ombudsmen if you consider that there has been a degree of maladministration. Whilst this organisation cannot overturn the permission as with an appeal, they do have the power to fine the LPA in cases where a consistent approach to determining planning applications has not been ensured.