

From: [Emma Posillco](#)
To: [TeamE1: External Email for DM Appeals](#)
Cc: [Philip Brown](#); [Catherine Gutteridge](#)
Subject: RE: TO LPA FLOOD MAP - APP/C3430/C/24/3351497: Land at Whiston ST19 5QH
Date: 23 December 2024 14:45:00
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[24.00320.FUL_Location Plan.pdf](#)

Dear Vanessa,

Following is the LPA's response to Mr Brown's email dated 22/12/24 (first presented to the LPA by way of forwarding through your email on 23/12/24). Please note that I have added two administrative items at the bottom of the email in **bold**.

As noted within paragraph 9.1 of the LPA's Statement of Case, it is not clear whether the appellant is pleading ground (b) – i.e., that the breach of planning control has not occurred. The LPA has received no further communication from the appellant to confirm whether they are pleading ground (b). This is to note though that the appellant has not provided any indication that they dispute the red line boundary of the Enforcement Notice.

The red line boundary on page 3 of the Enforcement Notice follows the site boundary provided by the appellant within planning application 24/00320/FUL submitted for "Change of use of land to use as a residential caravan site providing 4 No. Gypsy/Traveller pitches, including the laying of additional hard-standing." This Location Plan document is attached for reference. The red line boundary also follows the property boundary shown within the Title Reference Map provided as Appendix 1 of the LPA's Statement of Case. As detailed within Section 6 of the LPA's Statement of Case, planning application 24/00320/FUL (including said Location Plan) was submitted the evening that the incursion occurred on the Land and was never validated for several reasons, one of which was an outstanding flood risk assessment. The Flood Risk Map provided as appendix 9 of the LPA's Statement of Case shows a site boundary that mirrors the red line boundary of the Enforcement Notice, and thus the site boundary provided within planning application 24/00320/FUL and the Title Reference Map.

The LPA would like to note that the appellant has not objected to the LPA's requirement for a Flood Risk Assessment until it was considered within paragraph 155 of the 2024 NPPF. The Flood Risk Map was provided within the LPA's Statement of Case submitted to PINS by the deadline of 28 October 2024. The appellant did have until 18 November 2024 to provide final comments; no final comments were provided by the appellant. The appellant has noted within their Statement of Case and Response to the 2024 NPPF that there is no flooding risk to the site, but they have not directly objected to the LPA's concerns until now.

The appellant has provided within his email a Flood Map where the site boundary follows, as is stated in his email dated 22/12/24, "the area occupied by caravans, including the hardstanding and access. I attach a screenshot of the Flood Map for Planning from which it can be seen that Flood Zone 2 runs along the northern edge of the hardstanding." The Flood Map for Planning online drawing system allows a user to hand-draw a site boundary without definitive

measurement. It is the LPA's opinion that considering a site boundary that matches both the Enforcement Notice and the appellant's previous planning application for the site, is more appropriate than considering a hand-drawn boundary introduced by the appellant at present. Paragraph 2.11 of the LPA's response regarding the 2024 NPPF (response provided to PINS on Friday, 19 December 2024), details the Flood Risk Assessment as explained within the LPA's Statement of Case.

Should the Inspector disagree with the LPA's interpretation of the site boundary and the Flood Map, the LPA would respectfully request that the Inspector consider paragraphs 3.2 and 3.3 of the LPA's 19 December response regarding the 2024 NPPF. The LPA notes that the development also does not meet criterion 'c' of paragraph 155 of the NPPF as it is not in a sustainable location as required by the Framework. As stated within paragraph 3.3, it is the LPA's interpretation that all relevant criteria in paragraph 155 of the 2024 NPPF must be met in order for development not to be regarded as inappropriate. It remains the LPA's opinion that even if the Inspector disagrees with the Flood Zone 2 and 3 consideration detailed above, criterion 'c' would still not be met and thus the development would be considered inappropriate.

The LPA continues to agree with the Inspectorate's decision to consider written representations with an accompanied site visit for this appeal.

Please note - South Staffordshire District Council is closed from 24th December, returning 2nd January 2025. We will be unable to answer Inspector queries during this time but will respond as quickly as possible upon return.

Lastly, given that a response to this email was required today, please confirm in writing by 5PM on 23 December 2024 that the LPA's response has been received by PINS.

Kind regards,

Emma Posillico

**Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council**

